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Government and Labor in the United States

September, 1959

Our September issue concludes our 3-part series on government regulation of labor. Seven outstanding historians and labor specialists trace the growth of government regulation and support of organized labor, a group which has become increasingly influential in our society. Articles include:

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COMPANION ISSUES:
American Labor Problems, June, 1959
Government and Labor Abroad, August, 1959

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Current History

Vol. 37 AUGUST, 1959 No. 216

Labor's relations with government, with management and with the general public vary from country to country, as the articles in this issue point out. The Minister of Economy in West Germany emphasizes that "the Federal Republic actually does not face very serious problems" in this field. Commenting on government-labor relations elsewhere, he writes: "When I realize how the relations between the Sozialpartner(s) *in other countries are regulated by complicated systems of giving notice, cooling-off periods, arbitration proceedings, and so on, I ask myself whether such intricate requirements and the resulting expenditure of effort and money on the part of the government are necessary for a solution of the relatively simple, every-day problem of wage fixing." How are labor-management relations worked out in West Germany?*

Labor and German Prosperity

By Ludwig Erhard

Minister of Economy, German Federal Republic

The relationship of government and the *Sozialpartner*(s)[1]—this is the term used in West Germany for all parties forming the labor market—can be best described by the following sentence: Labor, together with employers, have brought about the reconstruction of Germany. This statement may sound plausible to some, because during the period of steadily rising living standards we have witnessed in the post-war years, it is not surprising that bitterness, the source of all labor strife, was absent. The improvement of living conditions was obvious to everybody. Private consumption in the Federal Republic has increased more than 70 per cent since 1950 (this figure has been adjusted for price changes). The increase in private consumption came to more than 60 per cent per capita.

To others my introductory statement may seem astonishing, for labor would certainly have been in a position to demonstrate its power in major labor disputes, at least in the very recent years of full employment. The fact remains, however, that during the past 11 years the government had no occasion to demand authority from the legislative bodies to intervene in the labor market.

The basic principles governing the relations of the *Sozialpartner*(s) with one another, as well as their relationship to the government, are established in the constitution of the Federal Republic. The right to organize—which insures the unhampered func-

Ludwig Erhard has been Federal Minister for Economic Affairs of the Bonn Republic since 1949. Prior to his present appointment, Dr. Erhard was Bavarian State Minister of Economics (1945–1946), chairman of the *Sonderstelle Geld and Kredit* (a special agency preparing the plan for currency reform) in 1947 and Director of the Department of Economics in United Economic Territory (1948–1949). He is Vice-Chancellor of the German Federal Republic.

1 This term has no English equivalent.

tioning of the unions—ranks first among these. Agreement on working conditions and bargaining for wages are the regular duties of joint associations of employers and employees. It is also possible for the management of a single enterprise to work out such agreements with its own labor union.

The wage law of 1949 provides that agreements freely entered into by associations of *Sozialpartner*(s) may be declared generally binding if the public interest so warrants. If such a declaration is issued, the terms worked out by the labor-management associations become binding even on those employers who do not belong to such associations.

Wage-Fixing Autonomy

The doctrine of wage-fixing autonomy by both partners in the labor market constitutes one of the most securely entrenched and most highly appreciated principles of our economic constitution. The great importance of industrial bargaining in relation to the entire national economy demands, of course, that this autonomy be coupled with serious responsibilities. Up to now, the unlimited autonomy of labor and management concerning wages in the Federal Republic has not led to such differences or conflicts between the interests of the *Sozialpartner*(s) nor between them and the public as would have required government intervention.

The power position of the labor unions, for one thing, is not too strong because they, like the employer groups, are divided according to regions and industries and the considerable extent of this division prevents tight centralization. If one or the other party to negotiation—either labor or management—has an advantage in bargaining, this is less the expression of an uneven balance of power than the result of the prevailing business climate. It would be serious, however, if both factions set in motion the wage-price spiral (disregarding the ability of the economy to carry the burden and disregarding the ability of the economic policy to check this development). In this way both factions would join in destroying financial stability, at the expense of the often forgotten third "*Sozialpartner,*" the helpless consumer.

As an economist and scholar, I weigh the question of whether the *Sozialpartner*(s) are acting rightly or wrongly in the economic sense. I do so naturally, less from an academic than from an economic viewpoint. The wages and working conditions arrived at by the parties must remain within economically supportable limits. During the past years I repeatedly had to issue public warnings when demands for higher wages and shorter working hours seemed to exceed reasonable bounds. But I have never objected to a wage rise that was negotiated when business conditions made possible or even necessary an increase in consumer demand. In fact, I find it undesirable if the employers are always opposed to wage rises and never take the initiative.

A few labor leaders still adhere to the illusion that through wage politics they can achieve their old objective of a much bigger share in the national income. I do not consider this feasible. However, if the labor unions pursue their aim of raising the living standard of their members, this will find general approval provided they recognize their responsibility within the framework of the overall economy. The economic limits of a wage rise are fixed by a number of factors inherent in the economy as a whole, for example, the concurrent rise in productivity. In this area there undoubtedly still exists a great need for further scientific study and more objectivity in wage negotiations through the undisputed determination of the pertinent economic data. The question that must be clarified above all is how far the workers' living standards should be raised through higher nominal wages or lower prices.

Powers of Persuasion

I have often been reproached that my urging moderation of the *Sozialpartner*(s) was a kind of conscience-prodding which is useless, at least at a time when all the signals of economic development and even the government's economic policies point to a business boom. I have also been told that it was wrong to demand of the participants involved something contrary to their own direct interests. However, I believe my admonitions were founded on good sense. In a democracy, persuading and convincing are among the permissible and even indispensable political methods.

There is certainly no harm done if someone interested in the common good and the maintenance of favorable business conditions tries to demonstrate to the public that unreasonable wage and price rises are incompatible with the stability of the purchasing power which is so important to all of us. If the chances of psychological influence were left unused, the result would be a greater dependence on the "classic" instrumentalities of government and currency-issuing banks. I consider it preferable, however, to prevent disastrous developments by an appeal to reason and by demonstrating the true interest of the community as a whole than to risk the ruthless employment of credit manipulation, and thereby to plunge the economy from boom into a crisis. And no one can blame me for pointing out the old truism that an excessively high level of wages in itself may be the cause of widespread unemployment. The economist knows that wages, like trees, do not grow into the sky.

When I realize how the relations between the *Sozialpartner*(s) in other countries are regulated by complicated systems of giving notice, cooling-off periods, arbitration proceedings and so on, I ask myself whether such intricate requirements and the resulting expenditure of effort and money on the part of the government are necessary for a solution of the relatively simple, everyday problem of wage fixing. Legal rules controlling wage negotiations have merely the purpose of ridding opposing forces of their harmful effect by channeling such forces into legal proceedings.

But how about trying to meet the struggle of power blocs by explaining the underlying economic factors to the public? I have already mentioned which of these methods I have personally employed in the past. I am also convinced that the tools of economic regulation, which are otherwise at the disposal of the government and the central bank, are sufficient to combat the wage-price spiral or to stimulate monetary demand.

The fact that labor peace in West Germany has seldom been disturbed may also be related to the effective endeavors to adapt the welfare provisions to present-day demands. Apart from wage fixing, there are a number of statutes which cover other aspects of labor relations: in the first place employment protection, e.g., a statute which makes the enforcibility of an employee dismissal dependent on whether it is socially justified; or the law governing the hiring of children or the handicapped, all of which afford special social protection; furthermore, the comprehensive system of social security for old age, disability, sickness and unemployment.

Co-Management

An important component of the German welfare system is the employee's right to share in management, first introduced in the coal and steel industry in 1951,[2] and a year later in all other industries. This is not the establishment of an intermediary agency between the *Sozialpartner*(s) and the government, but a new method of cooperation within individual enterprises. This right of co-management had been the subject of prolonged and repeated public struggle, because the basic question involved is whether the power to dispose of property, in this instance the working capital, may be curtailed by the vote of non-owners.

According to these laws of co-management, elected labor representatives in every enterprise may participate in questions of hiring and firing, working hours, vacations and training. They also have a voice in particularly important business decisions, e.g., the contemplated closing of plants, changes in products or business mergers. In businesses with more than 100 employees, a committee must be formed to look into problems of production methods, sales policies, as well as the financial position of the business.

Employee representatives supply one-third of the members of corporate Boards of Directors (*Aufsichtsrat*). Their influence is extended even further in the realm of the steel and coal industry. There they have the same number of members on the Board of

(*Continued on page 95*)

2 For further information see "Germany: A Progresss Report," by Sidney B. Fay in CURRENT HISTORY, September, 1951, pages 135–136. "The new *Mitbestimmungsrecht* [passed in April, 1951] provides for a 50 per cent representation of trade unionists on the board of directors (*Aufsichtsrat*) and the board of managers (*Vorstand*) of every individual plant employing over 1,000 men. The five labor unionist representatives on an eleven-member board of directors are nominated: three, not necessarily employees of the plant, by the general trade union of the industry and two by the works-council in the plant. Five directors are also nominated by the employers. The "eleventh man" as he is popularly called, is to be an expert technician and arbitrator. He is to be chosen by these ten from candidates nominated by a committee half labor and half owner."

Describing the special position which labor unions hold in Great Britain, this author points out that there is one feature of government-labor relations "which has no place in the American scene, that is, the special relationship between the trade union movement and the Labour party" which labor created and whose "influence on party policy can be decisive."

British Unions and the Government

By Eric L. Wigham
British Labour Correspondent

In the summer of last year the British trade union movement as a whole came nearer a direct conflict with the Government than at any time since the General Strike of 1926. It is significant of the change of attitudes since then that no one really expected the leaders to repeat their earlier blunder. Before discussing the still unsolved issues that led to that situation, it may be useful to consider how the unions have reached their present status in the community and look at some of the arguments which have recently been advanced in back-room debate for a revision of the laws which protect them.

Some 400 years ago, under the Statute of Apprentices and other Acts, the government accepted the responsibility, formerly assumed by the craft guilds, of ensuring reasonable wages and conditions of employment. Strict regulations were laid down on apprenticeship and the justices of each locality were given the task of fixing wages.

In the eighteenth century, the earliest unions were trade clubs or benefit clubs of skilled artisans whose main object, apart from their friendly society aspects, was often the enforcement of the law on apprentices and wages; but if they endeavoured to influence wages and conditions by bargaining, they were held to be usurping one of the functions of the state. During the century nearly 40 acts were passed which outlawed combinations in one trade or another on these grounds.

Eric L. Wigham has been a newspaper reporter all his working life. During the last part of World War II he was a war correspondent for *The Observer* in Europe. Since 1945 he has been a Labour Correspondent in London. He is the author of *Trade Unions* in the Home University Library of Modern Knowledge published by the Oxford University Press.

Legal Bans

With the beginning of the industrial revolution and the spread of the doctrine of *laissez-faire* at the end of the century, trade unions were held to be undesirable because they interfered with the natural play of economic forces. The Combination Acts of 1799 and 1800 made illegal all combinations of whatever kind. Many managed to maintain some sort of existence in spite of the legal prohibition and the economic distress which followed the Napoleonic wars, but public-spirited men were shocked at the conditions in the new factories, and in 1824 the Combination Acts were repealed. Other laws continued to be used against the unions, however, whose members were prosecuted for such things as molestation, obstruction, intimidation, "leaving work unfinished" and an old legal prohibition on secret oaths, under which the famous "Tolpuddle Martyrs"—agricultural workers in Dorsetshire—were sentenced to seven years transportation in 1834.

The first wave of unionism largely collapsed and it was not until the second half of the century that more solidly organized unions began to make their influence felt in many industries. The new amalgamated

unions, as they were called, were for the most part responsible and conservative in policy, but their growing strength was frequently challenged by employers, and lockouts and strikes were common. Small trade societies in the north of England were less responsible and there were a number of violent incidents which led in 1867 to the appointment of a Royal Commission to review the whole position of trade unionism. The result was the passing of two Acts of Parliament.

The Trade Union Act, 1871, one of the two, provides the main legal basis of the trade unions today, though there have been a number of later acts much complicated by a large body of case law. Under the 1871 Act, it was definitely laid down that unions were no longer illegal at common law because of their purpose in restraint of trade. Registration with the Registrar of Friendly Societies, provided for in the Act, gave certain advantages regarding the holding of property and in other ways, and practically all the important unions today are registered.

The other Act of 1871, the Criminal Law Amendment Act, imposed such restrictions on picketing and similar activities as to make strikes almost impossible. However it was repealed and replaced by the Conspiracy and Protection of Property Act, 1875, which permitted peaceful picketing and excluded from indictment as a conspiracy any agreement or combination to take any action in furtherance of a trade dispute unless such action by an individual would have been punishable as a crime. It also provided that a person, employed in a gas or water supply undertaking, who maliciously breaks his contract knowing that his action will deprive the consumers of their supply is liable to prosecution. This provision was later extended to electricity undertakings.

Legislation and Union Protection

The following year the Trade Union Amendment Act laid down a definition of a trade union which made it clear that the term, in its legal sense, applied to combinations either of employers or workers. Legislation since then has dealt mainly with the consequences of legal decisions. The "Taff Vale" judgment in 1901, for instance, when the House of Lords held that a union could be sued for damages, led to the important Trade Disputes Act of 1906, which declares that a union cannot be sued for an alleged wrongful act committed by it or in its behalf, and thus freed the unions from civil liabilities arising out of trade union activities.

Again, the Osborne Case of 1909, which prevented unions using their funds for political or other purposes not specifically mentioned in the legal definition of a trade union, resulted in the Trade Union Act, 1913, which permitted unions to use their funds for any lawful purpose, but made special rules regarding expenditure for political purposes. These are the principal acts under which trade unions function in Britain today. After the General Strike, the Trade Disputes and Trade Unions Act, 1927, imposed a number of restrictions on trade unions but one of the first actions of the Labour government after the Second World War was to repeal this Act.

It will be seen that the trend of this half century of legislation was always to free the unions from statutory and common law interference with the use of their power as combinations of workers to put them on an equality with employers in collective bargaining. The failure of the General Strike in 1926 ended fears of a direct union challenge to the Government and there was little talk of new legislation until the long period of full or over-full employment after the Second World War created a new situation. The unions increased in membership and their bargaining power was enormously enhanced. Determined claims for wage increases, which became an annual event, were difficult to refuse. Unofficial (wildcat) strikes were indulged in with impunity because fear of loss of employment almost ceased to exist. There were instances in which unions imposed extremely drastic penalties on workers who refused to join or offended against collective decisions.

Arguments for Greater Regulation

There have been many who have argued that the power of the unions has become excessive and that some restrictions should be imposed on their activities. A group of Conservative lawyers published last year a booklet entitled *A Giant's Strength*. They pointed out that while the relations of trade

unions with their members and with the public are largely unregulated by statute, the relations of a limited company with its members and with the public are regulated. By the Acts of 1871, 1875 and 1906, they said, unions were put in a position that in many ways placed them beyond the rule of law. They therefore suggested ways that "would regulate the relationship of trade unions with the State by bringing them under the rule of law."

These lawyers advocated that the legal privileges of unions should be made dependent on registration, and that registration should be made conditional on rules protecting the rights of the individual member and providing for settlement of inter-union disputes by arbitration. They also held that strikes in breach of union rules and political strikes should be made illegal and that it should be made possible for allegations of restrictive labour practices to be referred to a court.

The booklet is an example of some people's thinking, but it does not represent the policy of the Conservative party or Government. No new trade union legislation is proposed by either the Conservative or Labour parties and perhaps none is likely so long as the political balance is so even. The Conservative party cannot afford to alienate trade union votes. It may also be said that the slight recession of the past 18 months has made trade union power seem much less menacing.

Union-Government Issues

The main issue between the Government and the trade unions in the postwar period has been outside the sphere of legislation. It has concerned wage movements. Full or over-full employment has been practically continuous throughout the period and both Labour and Conservative governments have been pre-occupied for long periods with the attempt to restrain inflationary trends, particularly during the recurrent financial crises. Whether the chicken or the egg comes first, whether rising wages are the cause or consequence of inflation, governments have thought that one of the most important ways to restrain inflation is to prevent wage rates from rising higher than productivity even though earnings may still creep up as employers compete for scarce labour. But it is not easy for the Government to influence the movement of wage rates.

Since the end of the eighteenth century, as has been said, the state has not accepted the responsibility for fixing wage rates generally. In the second half of the nineteenth century the state gradually accepted the role of assisting in the solution of wage disputes. The Conciliation Act of 1896 laid an obligation on a government department to try to prevent and settle disputes. After a period of compulsory arbitration in the First World War, the Government set up a permanent arbitrating body, the Industrial Court, to which disputes can be referred with the consent of both parties. Compulsory arbitration was re-introduced and strikes and lock-outs were forbidden under the National Arbitration Order in the Second World War and this system was continued, with the consent of both sides of industry until 1951. Then the Industrial Disputes Order, which was not ended until this year, legalized strikes but retained compulsory arbitration at the request of either side in a dispute. Provision to compel individual employers to observe recognized terms and conditions has been retained, but the only general arbitration machinery is now the voluntary Industrial Court.

Compulsory arbitration was a means to avoid unofficial strikes. It was never intended to be a way of controlling wages. Great emphasis has always been laid on the independent status of arbitrators. The Government has no effective control over their decisions. Nor has it much more direct influence over the large section of the population whose wages are fixed by statute, or over the millions in the civil service or in the employment of public authorities or in the nationalized industries.

Fixing Wages

Statutory bodies, in most cases known as wage councils or boards, regulate wages and conditions in a number of industries where organization on one or both sides is weak, usually because there are a very large number of scattered undertakings. The most important of these are agriculture, distribution and catering, though there are many others and they probably cover about 3.5

million workers altogether. The Government usually has the power to refer back the recommendations of these bodies for reconsideration but not to alter them or in the last resort to reject them.

Some public servants, for instance, such as teachers, police, firemen and health service employees, also have their pay fixed by statute, and here the Government's authority is greater. In the case of civil servants, in direct Government employment, the Government accepts, except for the higher ranks, the decisions of the Civil Service Arbitration Tribunal.

The nationalised industries, such as coal, rail transport and sections of road transport, electricity and gas, have in theory the power to fix their own wages and conditions but the boards that run them are subject to Government direction on matters of general policy. Where they are not paying their own way, they are also subject to financial restriction. But again all of them have arrangements for arbitration, in most cases binding, if negotiations break down.

When a Government wants to discourage inflationary wage increases, it can do so by influencing the general economic environment in which the claims are made, by attempting to influence arbitrators, employers and unions, and by direct action in respect to its own employees, but in none of these fields, even the last, is its influence necessarily decisive. Both the Labour and Conservative governments have attempted to use all these ways.

The Labour Government relied in the main on persuasion of the trade unions. Labour party leaders influenced the general economic environment to help them do this. For instance they kept prices down by subsidies and brought considerable pressure on industry to restrain the level of dividends. With these conditions, they succeeded in inducing the Trades Union Congress (T.U.C.), from the beginning of 1948 to the middle of 1950, to accept the principle of "wage restraint." The informal agreement was based on a Government statement on "Personal Incomes, Costs and Prices," which was the most significant Government pronouncement on wage policy in peacetime. It said that there should be no further increase in the level of personal incomes without at least a corresponding increase in the volume of production. Traditional relationships between personal incomes in different occupations had no necessary relevance to modern conditions. Relative incomes must be such as to encourage the movement of labour to those industries where it was most needed.

Before accepting this, the T.U.C. made some modifications which somewhat weakened its force. For instance, they insisted on the need to adjust wages that were below a reasonable standard of subsistence and to safeguard differentials that were an essential element in the wage structure of many industries. The Government tried in the autumn of 1949, when the pound sterling was devalued, to develop wage restraint into wage stabilization, but the T.U.C. could not carry the unions with them in support of this. This was an uncomfortable period for union leaders, who found large sections of their members in revolt against the policy of restraint, and there were many unofficial strikes, some of them large ones, even though strikes were still illegal. Eventually the leaders were defeated at the 1950 congress.

Wage claims continued throughout the period of restraint and wages rose, but there is little doubt that restraint kept increases within bounds. While claims continued, union leaders were for the most part content with modest settlements. Arbitrators, price-fixing authorities and employers must have all been influenced in their attitudes to wage claims by the agreed policy, and by the Government's statements on the economic situation. There were occasions when the Government made direct appeals to those responsible for fixing wages, but each time they earned a rebuke from the T.U.C. They tried to set an example in their attitude to civil service wages, bringing complaints from the civil servants that they were being singled out for special restriction.

After the Korean war, the Labour government were about to try to make a new bargain with the unions, offering extended controls and a temporary statutory limitation of dividends, when they lost office in the 1951 election. The Conservative government gradually removed controls and subsidies on which the Labour government had depended, instead relying mainly on financial and fiscal policy to conduct the fight against

inflation. For the past few years they have been making persistent efforts to halt the annual increases in wage claims and to stabilize wages and prices. Appeals have had little effect, because the trade unions are resentful of the general economic policy adopted by the Government.

The Conservatives and Labour

After the economic crisis of the autumn of 1957, the Conservative methods could be seen in their clearest form. High interest rates and restrictions on investment and hire purchase[1] and other measures produced an economic climate in which employers were most reluctant to concede increases. They appealed to all those concerned with wage settlements to take account of the economic situation. While they could not prevent increases in the civil service, they said that any increases, however obtained, must be met by compensating economies, even if this meant reductions in staff. They applied the same principle to the nationalized industries. The unions were angry and resentful. They held that the country was suffering because the Government were adopting a policy of restriction instead of expansion and that the workers were being made to bear the brunt of the nation's difficulties.

The climax came with a wage claim for the London busmen which was the centre of the struggle over the whole of the first half of last year, and ended in a long strike. Blaming the Government because the busmen were unable to obtain what they regarded as a satisfactory settlement from the publicly-owned London Transport Executive, Mr. Frank Cousins, the general secretary of the Transport and General Workers' Union, to which the busmen belong, reported the position to the T.U.C. General Council. They issued an appeal for money to support the busmen, and a statement which said:

> Government policy has brought London's buses to a standstill. Having mismanaged the economy, the Government has chosen the pay claim of London's busmen as an opportunity to put pressure on a public employer to conform to its policy of holding down wages and to bolster the resistance of private employers in whose negotiations with unions it cannot directly interfere.

That statement sounded like a challenge to the Government, but a month later, when Mr. Cousins asked them "how soon was this strike going to be developed into something that somebody was going to take notice of," they drew back. Mr. Cousins wanted to extend the strike to his members in the power and petrol industries and asked other union leaders what support they could give him. The General Council said the extension of the strike would transform it from an industrial issue into a much wider conflict with political "implications." They advised him not to extend the stoppage and to re-open negotiations. The crisis was over.

Meanwhile the Government had yielded to the much more formidable threat of trouble on the railways, and a new pattern of pay increases was set though at a more modest level than in the previous years. The pay in publicly-owned industries may well bring further conflicts between the Government and the unions in the years to come.

Union—Labour Party Affiliation

The contrast between the policies of the Labour and Conservative governments, described above, gives point to one of the features of Government-Labour relations in Britain which has no place in the American scene, that is, the special relationship between the trade union movement and the Labour party. The trade unions created the Labour party at the beginning of the century. Their votes control the party's annual conference and the national executive committee. Their influence on party policy can be decisive. While they do not pretend to have the right to dictate to a Labour government, it is obvious that such a Government must pay some attention to their views.

At the same time the T.U.C. itself is not affiliated with the Labour party and their relations are only consultative. They claim to act, in industrial matters, independently of the political movement. When a Conservative government was returned in 1951, the T.U.C. at once declared that it was their long-standing practice to work amicably with whatever government was in power and, by consultation with ministers and with the other side of industry, to find practical solutions to the social and economic problems facing the country. They also warned workers against using industrial action for poli-

[1] A form of installment buying.

tical purposes, for example, to obstruct Government legislation.

The Conservative government on their side maintained the many joint bodies on which members of the Government meet representatives of employers and unions, bodies set up during the war and developed during the period of the Labour government. They include such things as the planning board, the National Production Advisory Council on Industry, presided over by the Chancellor of the Exchequer, and the National Joint Advisory Council, presided over by the Minister of Labour. The trade unions continued to be consulted on all matters affecting the workers. During the first years of Conservative rule, relations were reasonably good. During the last few years, however, they have differed on the fundamentals of economic policy and relations have become increasingly strained. The picture has been of a struggle between the Government and the employers on the one side and the trade union movement on the other.

Prospects

With a new election in prospect, the future of Government-union relations in this country must depend to a great degree on which political party is in office. It looks as if the central problem will continue to be that of wage policy. If a Labour government is returned to office, they may be expected to aim at keeping the economy at full stretch and to maintain the struggle against inflation by re-imposing some physical controls and by making a bargain with the trade unions to prevent inflationary wage increases. But though the union leaders may be ready for such a bargain, there seems no reason to suppose that their members will be any more ready than they were last time to follow their lead. It is hard to see how a planned economy of the kind which Labour advocates can be maintained successfully without a much more closely co-ordinated wage policy than the trade unions are willing to accept.

Wage negotiation is, after all, the unions' primary function. The nearer Britain gets to socialism the closer may be the time when traditional trade union functions will change or disappear. We may be sure that unions will resist such an outcome of their traditional socialist beliefs.

If a Conservative government is returned, they will presumably continue their reliance on careful policy and encouragement of employers to resist excessive wage claims, sometimes at the cost of some idle industrial capacity and some unemployment. At the moment they have managed to bring about a position of reasonable stability in prices and the unions are relatively subdued. But the struggle may at any time be renewed.

"Whether we like it or not, schools and colleges do not build the social order of a country as much as they reflect and sustain the established way of life. It should be recognized that in a representative democracy there is a normal 'social lag' between the growing edge of a culture and its educational program. We must expect those who teach the cultural heritage to be a modest distance behind those who produce and apply new knowledge. As Walt Whitman so well expressed it, a college must remain 'self-balanced for contingencies.'

". . . Universities came into being as 'rough tough, vocational institutions' of a high order, and it seems to me they and the colleges must continue this tradition if they are to meet even a major portion of the challenges the modern age is making. Otherwise, these needs of our age will be met by institutions that will grow up outside higher education traditions."

—Ernest V. Hollis, Director, College and University Administration, Department of Health, Education and Welfare, in an address delivered November 7, 1958.

Erratum

The Editors regret that an error appeared in line 7 page 323 of the June issue, *American Labor Problems.* The sentence should read: "In the 1912 election, Gompers supported Woodrow Wilson and the Democratic party. . . ."

What is the strength of the French labor movement? What is its relationship to the government? "Because of their weakness and the paramount role played by the state in the economic life of the country, the unions have relied on political pressures on the government as more efficient than collective bargaining." As Charles Micaud evaluates the situation, this involves "a form of paternalism, the handing down of concessions by the state." France's labor movement is weak, partly because "a strong Communist party has effectively blocked any attempts at building a united, efficient and responsible union movement and a strong reformist party."

Weak Unionism in France

By Charles A. Micaud

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Government regulation of labor unions immediately suggests measures to curb corruption and racketeering. No such problem exists in France: French unions are far too poor to tempt even the most modest racketeer. Government control also brings to mind action against subversive elements. Here again France stands in sharp contrast with the United States. By far the largest confederation, the C.G.T. (*Confédération Générale du Travail*), is completely dominated by the Communist party. From this labor citadel, the party can with impunity conduct its guerrilla warfare against bourgeois society. Thanks to the union it can continue to recruit and train thousands of activists and to appear to millions as the "party of the workers."

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Finally, government control of the unions may suggest means of preventing a powerful and monopolistic organization from upsetting the equilibrium of social forces and dictating policies that may be detrimental to the national community. Such a threat hardly exists in France: weak and competing unions, each representing a segment of the ideological spectrum, are no match for organized business and no rival to the strong centralized state. Their weakness has in fact forced them to rely almost exclusively on the paternalistic state to protect the interests of labor.

The state plays a more important and direct economic and social role in France than in the United States. It is the planner and controller of the economy, the main investor, and the employer of one fourth of the industrial labor force—in the nationalized mines, railroads, gas and electricity, aircraft and even in the automobile industry. For years after the war the government fixed wages and prices; even after collective bargaining was re-established in 1950, it continued to set the norms for the wage scale and working conditions in the free sector of the economy.

The guaranteed minimum wage that is fixed by the government serves as a basis for the discussion of contractual scales. A law of 1952 linked this minimum with increases in the cost of living index. The state also changed the whole structure and distribution of wages through an elaborate system of

social security benefits and family allowances. This new "social wage" has meant a smaller cash payment for most workers and a substantially higher income for heads of large families.

The legalistic turn of mind of the French has found expression in a detailed "Code of Labor": the state sees to it that every contingency is foreseen and all relationships, rights and obligations, are carefully defined. At the plant level the law spells out in detail the obligations of management—from the rules concerning working conditions to the status of shop stewards and plant committees. At the national and regional levels, the law establishes the procedures for collective bargaining, even the scope and subject matter of the agreement to be reached. The state convokes the parties and determines which are the "most representative" unions, entitled as such to bargain. It may even extend a contract to a whole industry or area.

Yet the right to organize and the right to strike (characteristically the latter preceded the former by some 20 years) are not regulated. The only limitation to the right to strike is the provision for compulsory conciliation of disputes and the only obstacle to the right to organize is the veto that the administration may exercise in refusing to recognize a new union as "the most representative."

The reestablishment of collective bargaining in 1950 demonstrated the weakness of labor *vis à vis* the powerful and disciplined employers' organizations. Few contracts were signed in the next years, either on a regional or national basis. Some left wages entirely out. When they established wage minimums, the latter often had little resemblance to the wages actually and surreptitiously paid by a number of firms—in the form of overtime, bonus and incentive pay systems. If collective contracts built a floor under wages, they often enough built a ceiling as well: the contractual wage scale could be used as a convenient excuse by the more successful firms to refuse legitimate raises, employers arguing that they could not afford to go against the will of their associations. The same argument was used to explain why prices could not be cut down—a reflection of the absence of competitive spirit: the marginal enterprises could survive and actually set the level of wages and prices. Unlike their American counterparts, the weak French unions have been incapable of exerting enough pressure to force competition and eliminate marginal firms and restrictive practices.

The Weak Unions

Less than 50 per cent of French workers are organized—a somewhat larger proportion in nationalized than in private industry. More than two thirds of the union members are to be found in the Communist-controlled C.G.T. It grouped some 80 per cent of the wage earners in the two years following the Liberation, when the Communist party was a partner in the government, urged maximum production and forbade strikes. By 1948 the C.G.T. saw its following dwindle from some five million members in 1946 to substantially less than two million. By then it had proved its total dependence on the Communist party in following its new revolutionary tactics and crusading against the Marshall Plan.

C.G.T.-F.O. (Force Ouvrière), born of a schism in 1947, was the by-product of politics and expressed the belief on the part of many trade unionists that they could fight the Communists more effectively from without than from within the same organization. This was a questionable assumption. With perhaps one-third of a million members, F.O. has remained unable to gain much strength except among public servants.

A third confederation, the Catholic C.F.T.C. (*Confédération Française des Travailleurs Chrétiens*) groups approximately half a million workers (figures of membership in the French unions are highly elusive and questionable). It has proved more successful than F.O. among industrial workers, but its main strength still rests with clerical workers. A fourth organization, the C.G.C. (*Confédération Générale des Cadres*) groups a large proportion of engineers, technicians and supervisory personnel. Several smaller unions—one of them Gaullist—add to the confusion and contribute to the weakness of organized labor.

Under these conditions it is not surprising that the C.G.T. as the oldest and strongest union has been able to capitalize on the appeal of trade union unity among the frustrated French workers who feel the enormous

handicap of division. In this respect a study made in 1956 among the metal workers of Grenoble shows that a very large majority of them—including the members of the C.G.T.—would prefer a single non-political union and strongly condemns the political activities of the C.G.T.

The weakness of organized labor stems not only from the division among the unions but more basically from the competition between their respective social and political philosophies. Thus the clerical issue has often prevented close collaboration between the F.O. and C.F.T.C. The Communist issue has of course made the Free Unions most reluctant to work with the C.G.T., despite the latter's repeated invitations to *"unité d'action."* Common action is possible only on limited and tactical objectives of a non-political nature. The C.G.T., however, has become a master in the art of mixing economic grievances and political objectives. It has also been in a position to outbid the other unions and to discredit them for their failure to accept *"unité d'action"* and to be vigorous enough in opposing management.

Another cause of weakness is the inability of the unions to acquire sizeable treasuries to sustain strikes or even to obtain adequate tools for collective bargaining. The dues are low—of the order of 30 cents a month—yet reluctantly and irregularly paid. The local, regional and national unions, as well as the confederation, divide the meager funds. More often than not bargaining is left to a harassed departmental union officer who feels unequipped and unsupported by his federation in Paris.

The unions are thus no match for management. The employers' organizations, wrote Val Lorwin, the foremost American student of French unions,

> are far superior to the unions in organization, discipline, resources, and self-confidence. . . . The staffs of employers' associations greatly outweigh those of all the comparable unions together. . . . The disparities are greater at the regional and local levels. The unions suffer from lack of the trained negotiators and the detailed knowledge of industry that come with stable membership, adequate treasuries, and experience in collective bargaining and contract administration.

French workers have shown a traditional inability to organize. This is perhaps caused by their inherited peasant distrust of dues, discipline and leaders. It is also derived from the character of the early unions and the philosophy guiding them.

Early Unionism

Except in a few industries, such as textiles and mining, the syndicalist ideology prevailed before World War I. It snubbed organization and counted on the devotion of a few activists and on the spontaneous rise of the masses. Obviously workers had little incentive to join unions that could not bring them tangible advantages: they remained sullenly resentful and passively opposed to the "system." Only when political conditions proved highly favorable, as in 1936, in the early days of the Popular Front, and after the Liberation, did they join the unions *en masse,* to leave them as soon as the political pendulum had again swung on the side of "reaction."

The Communists have profited from the apathy of the masses and the revolutionary militancy of the activists. They established their first solid beachhead in the C.G.T. in the days of the Popular Front and after the Liberation conquered all key positions. The workers have continued to vote for the C.G.T. lists at plant elections and for the Communist party at the national elections without realizing the consequences. Observing that eight out of ten of the shop stewards and union delegates in their plant belong to the C.G.T. and generally to the party as well, they are convinced that no other organization can possibly represent the interests of the working class. Although they resent political strikes and the inability of the C.G.T. to obtain results, they see no alternative.

Because of their weakness and the paramount role played by the state in the economic life of the country, the unions have relied on political pressures on the government as more efficient than collective bargaining. Here the Free Unions, backed by the Socialist and Catholic parties, have had some advantage over the C.G.T. As political pressure groups they have been able to gain some advantages. The method, however, has had only limited effectiveness since the government has been generally domi-

nated by the conservative parties. It has also involved a form of paternalism, the handing down of concessions by the state that did not compensate for a lack of organized strength and that kept up resentment.

The psychological consequences of the weakness of the unions are more serious than the material ones: French wages and working conditions may be substantially the same as in neighboring countries, but the inequality of bargaining power has fed a deep resentment that finds expression in a vote for the Communist party.

Another consequence of the weakness of the unions has been the signing of plant agreements, following the example set by the nationalized Renault Works in Paris. Enlightened management in several industries has succeeded in signing a contract with the Free Unions guaranteeing an annual increase in wages and other advantages, but limiting the right to strike. The C.G.T. is often forced to follow if it is not to incur the ire of the workers. These agreements, however, reflect the desire on the part of management to improve industrial relations and are not the result of a convincing pressure on the part of the unions. They are marked by a paternalistic stamp not basically different from the fatherly gifts of the state.

Yet given the absence of a strong union movement and the irresponsible methods used by the C.G.T., it is difficult to see what other policy management could follow. The generalization of such agreements may in fact force a more realistic attitude on the part of C.G.T. leaders at the plant level and establish a wedge between them and the regional and national leaders—who are also important party functionaries. If this should happen, the door would be opened to constructive common action by all unions and perhaps to the establishment of an ultimate merger.

The Fifth Republic

The Fifth Republic has not substantially altered the picture. The imbalance of social and political forces has even been to some extent institutionalized. The new constitution and electoral system effectively prevent the democratic Left from coming to power and the unions from strongly influencing a government, of "wise men" and experts, which is guaranteed tenure and has extended powers.

If the Free Unions refused to join the C.G.T. in a strike of protest against the new regime, they were nevertheless incensed by the austerity program presented by M. Pinay, Minister of Finance, last December. Not only was this considered to be harsher on the workers than on other social groups, but the Free Unions had not been consulted in advance—which added insult to injury. The municipal elections of March gave back to the Communists the votes they had lost in the optimistic days of the referendum and general elections in the fall. Should the economic and financial programs of the government fail, or the Algerian War continue for long, they are likely to increase their gains.

Given the political and social disequilibrium of forces, the policy of the government toward labor cannot but continue to be at best of a paternalistic nature. Thus the scheme of profit sharing—which was one of General de Gaulle's pet projects back in 1947 and has recently been enacted—is to give tax incentives to the employers to make them share profits with their workers. Because of its unilateral character and of the impossibility of checking figures and influencing policies, the unions have consistently opposed such a plan which, they believe, will further weaken their role as bargaining agents and will make the workers desert them. Other measures, such as increases in unemployment benefits and old age insurance, still belong to the category of gifts.

So far there is no indication that the government intends to outlaw the Communist party (although Article 4 of the new constitution would permit it); nor to interfere with its control over the C.G.T. (although the criterion of independence could plausibly be used to deny the C.G.T. the character of the "most representative" union). When some 50 per cent of the workers vote Communist and almost as many belong to the C.G.T. it is difficult to outlaw a party or discriminate against a union identified in the minds of millions with the interests of the working class at large. This is even more difficult when the regime is already suspect of authoritarian leanings and could easily be accused of being "fascist."

Irrespective of the morality of the act, the

outlawing of the Communist party would not be politically expedient. What the Socialist party could have done in the Fourth Republic without any misunderstanding, the Rightist majority of today is in a much less strong position to do. When asked about the possible dissolution of his party, Maurice Thorez replied that all republicans would then know that it meant fascism and "the prelude to other interdictions." Should the party be outlawed nevertheless, a parallel organization could take the place of the officially defunct party and maintain the appearance of legality. It would have a convenient façade and the net result might be a strengthening of communism.

Communism

In the long run the problem of communism cannot be solved except by going to the roots of its appeal. It is first of all a question of reestablishing a balance of social and political forces in order to give French workers a sense of participation in decision making and the belief they are full-fledged citizens. Strong and responsible unions and a strong and responsible social democratic party are the norm in northwestern Europe and seem to be the necessary conditions for keeping workers loyal to democratic institutions. In France—and in Italy as well—this has not been the case. In both countries a strong Communist party has effectively blocked any attempts at building a united, efficient and responsible trade union movement and a strong reformist party. Once in control of the main union and of a sizeable fraction of the electorate, communism has created conditions that seem to justify its own premises —namely that class struggle is the motor of history and that the Revolution is necessary to bring about social justice.

The paradox is that France has embarked with great vigor and success on the road to the modernization of her economy and yet has found it impossible to revamp her social and political structures along the lines of the other industrial countries of the West. In the light of a fast expanding production, higher productivity and higher living standards, communism has become anachronistic. Yet the solid hierarchical structure of the totalitarian party and the dependability of thousands of party functionaries and activists provide a formidable obstacle to the building of a strong and democratic unionism, without which democratic institutions are in perpetual danger.

"This country can have a bright economic future; it can have it without inflation. This country cannot have an enduring bright economic future with inflation. . . .

"We are dedicated to security that we may preserve freedom. Long term security must rely on sound economic growth to support it. Should we impair either miltary security or economic growth in our efforts to achieve both, we shall have failed in our trust.

". . . In the United States we have an abundance of resources, skilled manpower, technological capacity. These are vital. But we must relate them to the wellbeing of the people.

"We are dedicated to maximum employment. We are equally dedicated to growth in real terms. We are determined to maintain a free economy. These goals are consistent with and contribute to each other.

"Every economy is an exercise in change.

"Growth is the process of the development and expansion of economic segments. Each day sees a new horizon of accomplishment; tomorrow it becomes a part of our economic fabric. The process takes place when there is a climate of confidence—where there is free play for initiative and incentive. The foundation is the willingness of people to save and invest; the ambition of workers for self betterment that flows from the right to choose occupations and to bargain for a fair share of the product."

—Robert B. Anderson, Secretary of the U.S. Treasury, in an address, *There Is No Need for Inflation,* delivered April 20, 1959.

"The Soviet trade unions have long since lost any trace of spiritual independence and have become accustomed to accepting without question or discussion the directives issued by the Communist party."

Trade Unions in the Soviet State

By Solomon M. Schwarz
Author of *Labor in the Soviet Union*

What, generally speaking, is the essence of trade unionism? The answer seems to be simple: trade unions are first of all organizations of employees, representing their interests, as opposed to organizations of employers, in labor-management relations (or, less precisely, in labor relations). But what about an economic system with a completely, or almost completely, nationalized industry, in which the employers are replaced by the state? And, even more specifically, what if the economy is a state economy, and the state professes to be—or wishes to be—a socialist state, or, to modify the Lincoln formula, a state of labor, for labor, and by labor? (Whether total nationalization of industry, or even of the entire economy, is enough to make the state and the society a socialist state and a socialist society is a question which is outside the scope of this article.)

In the early years after the October (November) revolution of 1917, Communist theorists could not find a satisfactory answer to this question. At that time the Communists had to defend their position in the trade unions against the strenuous opposition of the advocates of an independent trade union movement (mainly Mensheviks, who had been influential in the trade unions before October). Furthermore they had great difficulty in their attempts to define the role of trade unions in the new society, especially since the sharp economic decline during the civil war years made any real trade union activities virtually impossible. It was not until 1922, after the end of the civil war, the beginning of economic recovery, and—last, but not least—the wiping out of independent opposition in the trade union movement, that Communist theorists formulated a comprehensive conception of the role of trade unions in the Soviet state. This was done at the Eleventh Congress of the Communist party, in March–April, 1922, in a resolution "On the Role and Tasks of the Trade Unions Under the Conditions of the New Economic Policy," commonly known as Lenin's "theses" on the tasks of the trade unions.

In the chapter of these "theses" dealing with "State Enterprises Converted to So-called Commercial Accounting and the Trade Unions," Lenin wrote:

> The conversion of state enterprises to so-called commercial accounting is inevitably and indissolubly linked with the new economic policy, and it is this type of enterprise which will be the most widespread, if not the only one, in the near future. . . . In connection with the imperative necessity to increase the productivity of labor and to make every state enterprise work without loss, nay, with profit; and in connection with unavoidable departmental interests and exaggerated departmental zeal, there must inevitably develop certain contradictions of interests with respect to working conditions in the

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plants between the mass of the workers [on the one hand], and the directors of state enterprises and the departments to which they belong [on the other]. Therefore, in regard to socialized enterprises, the trade unions unconditionally have the duty to defend the interests of the toilers and, as far as possible, to further the improvement of the latter's material condition, constantly correcting the mistakes and exaggerations of the economic agencies, insofar as these result from the bureaucratic deformation of the state machinery.[1]

This reasoning was repeated in the lengthy resolution "On the Work of the Trade Unions," adopted by the Fourteenth Congress of the C.P.S.U. in December, 1925. The resolution called the Communists to "fight unconditionally" against the not uncommon practice which "turns trade unions into appendages of economic organs and allows them to forget their most important task—that of representing the workers and defending their economic interests."[2]

Defense Theory Discarded

When in 1929 this "theory" was discarded, it was argued that it had been assumed to be valid only for the period of the New Economic Policy, which began in 1921 and ended in the late 1920's. It is true that the "theory" was elaborated under conditions then prevailing. But the central idea of the entire line of reasoning was that the "defensive role" of the trade unions was "unconditionally" linked not to the New Economic Policy, but to the introduction of so-called "commercial accounting" (*khozraschyot*) as a guiding principle of the economic activities of industrial enterprises. And this principle was not discarded with the end of the New Economic Policy, but remained one of the permanent basic ideas of the Soviet economic organization.

The "defense theory" was declared obsolete not because it was supposedly closely related to the New Economic Policy, but because of basic changes in Communist labor policy. The policy of five-year plans, introduced in 1929, was based on the idea of extraordinary pressure upon the workers, with the aim of raising industrial output to the maximum, and simultaneous pressure decreasing the consumption of the toiling masses, to the end of freeing the maximum funds for capital investments. The trade unions were assigned an important role in this system—not as representatives and defenders of specific interests of the workers, but quite the opposite—as a "transmission belt" from the Communist party to the working masses. The unions served as organizers of a maximum effort on the part of labor, not only without any corresponding improvement of their standard of living, but even often in spite of the lowering of this standard.

Union Purge 1929

The year 1929 brought a dramatic change into the labor picture. Most trade union officials who had been swept into leadership during the preceding decade were dismissed and replaced by new personnel recruited mainly from the ranks of the party machine. The most sensational act was the removal, on June 1, 1929, by a simple *fiat* of the Communist party, of almost the entire leadership of the All-Union Central Trade Union Council (A.U.C.T.U.C.), including its chairman, Mikhail Tomsky.[3] The very idea that it was the trade unions' task to take care of the workers' specific interests, as distinguished from the general interests of the Soviet economy and the Soviet state, was branded as "opportunistic" and "trade unionistic."[4]

The extensive purge of union personnel continued for months. After the purge had been nearly completed, the "reformed" A.U.C.T.U.C. came out with an enunciation of the new creed, clad in the form of an appeal "To All Trade Union Organizations, All Union Members, All Men and Women Workers,"[5] which channeled all union activities into furtherance of maximum production. "Above all," said the A.U.C.-T.U.C., it is necessary

to make the trade unions and their agencies,

[1] "The Communist Party of the Soviet Union in the Resolutions of its Congresses, Conferences and Plenary Sessions of the Central Committee," Seventh Edition, Moscow, 1954, Vol. 1, p. 604 (in Russian); Lenin, "Works," Fourth Ed., Vol. 33, Moscow, 1950, pp. 160–161 (in Russian).

[2] "The Communist Party of the S. U. in Resolutions, etc." Vol. 2, p. 220.

[3] For more details, see my *Trade Unions in the U.S.S.R.*, International Press Service, International Information Administration, U. S. Department of State, Washington, D. C., 1953, mimeographed, pp. 88–91, and the expanded French edition of my *Labor in the Soviet Union (Les Ouvriers en Union Sovietique)*, Paris, Riviere, 1956, pp. 503–506.

[4] The English term "trade unionistic" (as against the Russian "*profsoyuzny*") is given a derogatory meaning in Soviet literature, denoting a lack of understanding of the tasks of the working class as a whole.

[5] *Trud*, September 6, 1929.

from top to bottom, train their eyes on production, to put them in closer contact with the socialist economy, and thus create a powerful impulse for a broader and more thorough participation of the working masses in socialist construction.

The foremost duty of the trade unions now was to increase production, especially through raising output per worker (by means of "socialist competition," and so forth) and strengthening work discipline. This had to supersede all other considerations, especially those of protecting specific labor interests. Workers complaining about wages and labor conditions were pilloried in the appeal as "consciously or unconsciously" playing the part of the "enemy within the ranks of the proletariat," and as "destructive elements" that had to be "eradicated."

The new "line" was formulated in detail in a programmatic document, "On the Tasks of the Trade Unions in the Period of [Economic] Reconstruction," adopted by the Sixteenth Congress of the C.P.S.U. (June–July, 1930). This document openly approved "the purge of the trade union apparatus" and called for its further "renovation" by installing new personnel, mainly from the ranks of "shock workers."[6] This became from then on the undisputed "party line" in the trade union movement. When the Ninth Trade Union Congress assembled in April, 1932, it was presented with the report of the A.U.C.T.U.C. which wrote the *post mortem* to the "defense theory":

> Instead of dedicating itself to the mobilization of all energies of the working class for the deployment of socialist construction at an accelerated pace and for the realization of the Five-Year Plan, and instead of channeling the increasing productive activity of the large masses of the proletariat into improving the yield of labor and overcoming the difficulties of the socialist reconstruction of the national economy, the old leadership of the All-Union Central Trade Union Council insisted on the "protective" tasks of the trade union as against union participation in socialist construction. The old leadership, to quote Tomsky, believed that "it is impossible" simultaneously to manage the plants on the basis of commerical accounting, and to represent and defend the workers' "economic interests." In practice this meant taking a course toward isolating the trade unions from the struggle for socialist construction in our country.[7]

The "defense theory" was dead. A new "theory"—the "production theory"—became the gospel of the Soviet trade union movement. "Face toward production" became the new all-embracing slogan. The new "theory" led to a deep deformation of the whole trade union movement. The basic tasks of the trade unions—their tasks in the field of wage policy—were abandoned. At a special conference on wage problems called by the A.U.C.T.U.C. in January, 1933, the secretary of the A.U.C.T.U.C. in charge of wage policy, Gavriil Veinberg, reasoned:

> We must take to task any trade unionist who tolerates distortions in the Party line in regard to wage questions. . . . You sometimes hear it whispered in union ranks, "Does it behoove the unions to oppose concessions which industrial executives grant in wage questions? If we do that, how can we face the workers?" This is a most shameful misinterpretation of union tasks. It is trade unionism pure and simple. . . . We must actively combat this kind of "defense" of labor's interests.[8]

And a few months later, at the plenary session of the A.U.C.T.U.C., the same trade union specialist in wage policy argued—unopposed—for the exclusion of trade unions from any role in setting piece rates and output norms:

> In order to achieve a correct system of wages and output norms, in accordance with specific conditions in individual industries and specific features of individual production processes, it is necessary to place the responsibility for such decisions directly upon plant administrators and technical managers. . . . No one but the management should have primary responsibility for technical standardization, wage scales, norms of output, piece rates, etc. Today quite a few comrades in the plants share the idea that the union should have as much to say about wages as management. It is a "leftist" opportunistic deviation, which would undermine one-man management and interfere with the operational functions of the management. It must be stopped.[9]

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[6] *The Communist Party of the Soviet Union in Resolutions*, etc. Vol. 3, p. 72.

[7] *Materials in the Report Submitted by the All-Union Central Trade Union Council to the Ninth Trade Union Congress*, Moscow, 1932, pp. vii ff. (in Russian).

[8] *Trud*, January 24, 1933.

[9] *Trud*, July 8, 1933.

The natural consequence of this development was the dying off of collective agreements. In 1934–1935, they withered away almost unnoticed, to be reintroduced in 1947, but in a form that has nothing but its name in common with collective agreements as they are known abroad and were known in the Soviet Union before 1934.[10]

The decline of the Soviet trade unions in the 1930's was notorious and was also recognized in the Soviet press, especially during the so-called "trade union crisis" of 1935–1937.[11] It was further underscored by the strange fact that—after eight trade union congresses between 1918 and 1928, and a ninth in 1932—no congress was convened for many years, in direct violation of the statutes.[12]

But just at the time of their deepest decline, the trade unions were invested with the authority of official organs of Soviet labor administration. In the year when the A.U.C.T.U.C.—in the name of the trade unions—publicly and formally declined any responsibility for the wage policy (see above), the People's Commissariat for Labor was dissolved and many of its tasks were transferred to the A.U.C.T.U.C. This was done by the decree of June 23, 1933. Nikolai Shvernik, at that time first secretary of the A.U.C.T.U.C., summed up in his report at the A.U.C.T.U.C. plenary session the reasons for this change.[13] Many of the functions of labor administration, he said, had become void. Thus, the question of the labor supply had been transferred to plant management and to the economic administration agencies supervising the plants. To a large extent, this was true also of the wage policy. As for the protection of labor (especially labor inspection) and social insurance, a government department was not prepared to cope with the changing and growing requirements of production; the unions were far more capable of handling the new tasks.

Employee-Employer Relations

The same apparent anomaly appeared in the methods of adjusting grievances between employees and employers. Such grievances, under the system established in the 1920's, had to be settled by joint labor-management bodies in the plants, the so-called Piece-Rate and Grievance Commissions (Russian abbreviation: R.K.K.). The decisions of the R.K.K. could be appealed before higher bodies, built like the R.K.K. along parity principles. All this was changed by the A.U.C.T.U.C. resolution of December 28, 1934, "Concerning the System of Review of Appeals Against the R.K.K. Decisions and Fines Imposed by Labor Inspectors."[14] The first body to adjudicate a dispute was still the R.K.K., constituted on the principle of parity. But appeals from R.K.K. decisions (as well as appeals against fines imposed by labor inspectors) were now to be brought before the higher trade union organ, and could ultimately be carried all the way to the Central Committee of the given trade union, whose decisions were final. This system remained in force until 1957.

At first glance, this might seem contradictory. The unions were deprived of the right to represent the interests of employees. Therefore they were eliminated from participation in deciding wage questions. At the same time they were invested with considerable powers in the field of labor-management relations, which, it would seem, should properly belong within the jurisdiction of neutral or parity-based organs. But this anomaly followed its own logic.

The idea was that the trade unions no longer had to protect the specific interests of the employees, since the Soviet state itself took care of the interests of the working people. But the trade unions—because of their characteristic structure—were declared to be especially suited to fulfill a number of tasks in the field of labor policy, not as spokesmen for the employees, but as neutral organs. In legalistic language, one might say that the state "delegated" some of its authority to the trade unions.

[10] See my *Labor in the Soviet Union*, pp. 182–183 and 229–231. For the modern Soviet practice of collective bargaining, see an instructive article by Emily Clark Brown (Vassar College labor economist) on "Labor Relations in Soviet Factories" (*Industrial and Labor Relations Review*, January, 1958), based on a short field study in the Soviet Union in November–December, 1955.

[11] See my *Trade Unions in the U.S.S.R.*, pp. 41–51 and 97–102, and *Les Ouvriers en U. S.*, pp. 518–523.

[12] The tenth congress was convoked only in 1949, 17 years after the ninth, without any explanation offered at any time for the long and unconstitutional delay.

[13] *Pravda*, July 4, 1933.

[14] *A.U.C.T.U.C. Bulletin*, Nos. 5–6, 1935.

Under these conditions, the steady decline of the trade unions was inevitable. And at the end of the 1930's the question arose again: "What do we need trade unions for?" It was perhaps the war that saved them.

Union Paternalism

Under wartime conditions, the problem of the workers' daily life became extremely pressing. Food and housing, employment of women who had to care for their families, care for soldiers' dependents, war orphans and disabled veterans back from the war, and innumerable other questions of daily existence—all required great efforts in the communities and even more so in the plants. The unions, with some prewar experience in similar fields, were almost automatically drawn into this war work. This gave them a new lease on life.

This development did not mean even a partial return to the "defense theory." "Defense of the interests of workers and employees" remained an "opportunistic" notion. The task of the trade unions was not to "*defend*" the "*interests*" of their members, but to "*care*" for their "*needs,*" not so much for their needs as wage and salary earners—i.e., in the area of labor relations—as for their needs as consumers and members of the community. In this respect Soviet trade unions somewhat resembled the old "company union" in America, or the paternalistic organizations in a number of European plants, which do provide factory care for their workers.

This trend continued after the war, and became even stronger when the general "thaw" set in, after Stalin's death in 1953. But on the whole the "production theory" retained its undisputed hold, and the principal task of the trade unions is still the furthering of production, principally by means of so-called "socialist competition." Other elements, however, began to penetrate into the system. The idea that the trade unions are, in some sense, *representatives of the working masses* began to glimmer once again in the minds of the trade union members. The Statutes of the Trade Unions of the Soviet Union,[15] adopted in 1949 by the Tenth Trade Union Congress, state that the trade unions "speak on behalf of workers and salaried employees before state and public organs in questions relating to their work, daily life [*byt*] and culture."[16]

At the Eleventh Trade Union Congress, held in 1954, the Statutes were revised and a new idea added:[17] the primary trade union organs in the plants (the so-called *Fabzavkomy*) are now empowered to "check the revision of output norms [quotas] and the correctness of the tariffing of workers and salaried employees [assignment of workers to wage categories]. . . ." It is also their task to keep an eye on "the correct application in practice of the system of labor compensation, the correctness of wage computations, and the prompt payment of wages to workers and employees." The Statutes, revised again at the recent Twelfth Trade Union Congress,[18] went a step farther and enunciated the general rule that the primary trade union organs "*represent* the workers and salaried employees of the plant, institution or organization [*vis-à-vis* the management] in all questions of labor, daily life and culture."

This development is empirical, rather than planned or thought through theoretically. At the end of 1958, the authoritative Moscow Research Institute for Labor published an interesting volume on *The Problems of Labor in the U.S.S.R.*, which includes a lengthy chapter by V. I. Prokhorov, the secretary of the A.U.C.T.U.C., on "Trade Unions and the Problems of Labor."[19] It is significant that, throughout the chapter, he never once used the words "representation" or "representatives" (of the interests of the workers). And he has underscored repeatedly that the furthering of production remains the main purpose of the trade unions, and that all their activities should be subordinated to this purpose.

One might have thought that these contradictions would produce a lively discussion in the Soviet trade union press. This has not happened. The Soviet trade unions have long since lost any trace of spiritual independence and have become accustomed to accept without question or discussion the directives issued by the Communist party. Even the

[15] These form a general basic document, a kind of constitution of the Soviet trade union movement, not to be confused with the statutes of the individual unions.
[16] *Trud*, May 11, 1949.
[17] *Trud*, June 19, 1954.
[18] *Trud*, April 2, 1959.
[19] Pp. 121–162.

Statutes of the Soviet Trade Unions—and in this point the Statutes of 1949, 1954 and 1959 are identical—prescribe that "the Soviet trade unions conduct their entire work under the guidance of the Communist Party, the organizing and directing force of Soviet society." The subordination of the trade unions to the Communist party has become even greater in the last decade, and the "guidance" of the party is absolute. It is possible, and even probable, that controversial ideas concerning the trade unions were recently discussed at the top echelons of the Party. But nothing of that has become public.

What has become known, and is widely discussed in the press, is the recent attempt to introduce some elements of industrial democracy in Soviet industrial plants, in the sense of the German *Mitbestimmungsrecht* of workers and salaried employees in the management of industrial plants, partly according to the Yugoslav pattern. This is a new phenomenon, originating not in the trade union movement, but in the need to bring more order and economy into industrial life.[20] This may have a profound effect on the internal life of the Soviet trade unions in the near future.

[20] I should like to refer readers who know Russian to my articles, "The Beginnings of Industrial Democracy" and "The Twelfth Trade Union Congress," in *Sotsialisticheskiy Vestnik*, September, 1958, and May, 1959, respectively.

"One of the most frustrating aspects of contemporary life is its tendency to develop compartmental divisions. Business is business, politics is politics, while college and church and synagogue are something else again; admired, respected on the appropriate days, but too often ignored and isolated. The needless news stories of corruption, racketeering and delinquency give evidence of a social sickness which results from a sort of dislocation of ideals from practice.

"Another way of expressing the same thing is the oft-repeated lament that our scientific knowledge has far outstripped our human and moral understanding, so that we are in danger of destroying ourselves.

"These are appallingly serious problems. Time is running out. We must work to improve the human environment with as much energy and skill as we have used in bringing the material environment under control. . . .

"But human problems are not engineering problems. They are much more difficult. There are more variables! Energy and skill are not all we need to tackle them.

"The United States contains within its borders most of the problems which plague the modern world. We have conflicts of race, conflicts between social classes, between capital and labor, between urban and rural communities; problems of economically backward regions, or rapid urbanization, of housing shortages, of internal migration and the disorientation of uprooted families. How well we deal with all these problems will affect not only the national health, but our influence in the rest of the world.

"If we don't make a positive attack on them, we are surely lost. Material achievement and technical know-how won't save us. If we act like materialists while professing Judaeo-Christian religious principles we shall suffer from the effects of a split personality at home, and look like hypocrites abroad. We shall become demoralized. We shall certainly not be able to compete effectively for men's minds against the avowed, consistent, self-confident dialectical materialism of our adversaries.

"A positive approach requires the reassertion and practical application of the basically religious beliefs on which this nation was founded. . . . The concept of brotherhood—giving to others the rights and dignities we want for ourselves—can be grasped by the simplest peasant, and understood in all its majesty and mystery by the most sophisticated minds."

—Lewis Webster Jones, President, National Conference of Christians and Jews, in an address delivered October 29, 1958.

How firm is government regulation of labor in Japan? After a long history of conservative control of government and industry, "the contemporary industrial relations scene is undergoing the painful and difficult process of adapting an authoritarian, tradition-based labor structure to the requirements of a democratizing industrial society. Industry and government seek a compromise that would permit the retention of the essential levers of authoritarian control."

Conservative Labor Patterns in Japan

By Benjamin Martin
Labor columnist for the Japan Times

It is difficult to bring to mind the instance of a major industrial nation where the issue of governmental regulatory powers over trade unions is eliciting public controversy and heated parliamentary debates to the extent observable in Japan today. Nor is this something of recent vintage. The continuing tug of war between the government and organized labor has long since become an integral feature of the postwar confrontation between opposing social and political forces —the consequence of the defeat and the American Occupation (S.C.A.P., Supreme Command for the Allied Powers) reforms.

In the endeavor to achieve a democratic face lifting upon the prostrate Japanese military absolutist system, the S.C.A.P. policy makers placed great emphasis upon a drastic overhaul of social legislation and feudal-like labor relations. However short the reality of S.C.A.P. accomplishments have turned out in comparison with contemplated goals, certain instituted reforms have proved to be enduring and significant contributions to the changing physiognomy of postwar Japan.

Within the incredibly brief period of a few years (1945–1947) Japan was abruptly hoisted from a semi-feudal totalitarian setting to standards which, at least outwardly, resembled those of advanced Western countries. This precipitate uprooting has given rise to a unique, often contradictory, sometimes erratic evolution of an industrial society whose roots remain inextricably linked to traditional modes and which strives to absorb, somehow or other, certain of the S.C.A.P.-sponsored skin grafts.

A brief reference to the historical setting of the labor problem is indispensable to an understanding of contemporary trends. So many of the unique qualities of the Japanese labor movement, the nature of industrial paternalism, labor-management relations, and so forth, are incomprehensible without some knowledge of prewar derivations.

Modern industrialization in the true sense began during the late nineteenth century, several decades after the historic Meiji Restoration. The Sino-Japanese War of 1894–1895 hastened the pace of the developing industrial revolution. It was in 1897 that the first modern trade union appeared—a modest-sized, moderately-inclined movement composed mainly of skilled male workers

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located in transportation, printing and manufacturing. By 1900, it succeeded in attaining a peak membership of approximately 5,000. A year later it was moribund, a victim of its own immaturity and—what was to be a familiar reason for the collapse of numerous successor labor organizations—police repression.

Repression

Increasingly concerned over the emergence of trade unionism and Socialist influence as well as the rapid rise in labor disputes (most were unorganized, spontaneous worker outbursts) the Meiji government authorities responded in a firm, suppressive manner. The Peace Preservation Police Law (*Chian Keisatsu Ho*) and the Administrative Execution Law (*Gyosei Shikko Ho*) were passed in 1900. These statutes placed the control of trade unions and labor disputes under police jurisdiction (the pre-war Japanese police system was under the centralized authority of the Home Ministry)—a practice that was to continue with little modification until 1945.

Regarded with hostility by industry and government, lacking in juridical status or protective legislation, the prewar labor organizations were relegated to a pariah-like, barely tolerated existence. Driven by the frustrations and pressures of police persecution and political absolutism, men who began their labor careers as Christian social reformers eventually sought refuge in extremist alternatives: anarcho-syndicalism, communism and ultra-Leftism became endemic.

During the 1920's and 1930's, as a result of growing concern over the spread of labor extremism, a group of progressive-minded officials of the Social Affairs Bureau within the Home Ministry drafted a Trade Union Law which intended to confer a modicum of legal status upon trade unions and shield them from certain of the more flagrant employer anti-union abuses. However the strong opposition of employer groups eventually forced the government to abandon its efforts.

By 1925, the pressure of public sentiment forced the Government to repeal the controversial Article 17 of the Peace Preservation Police Law. Later in the same year the Labor Dispute Mediation Law (*Rodo Sogi Chotei Ho*) was passed by the Diet. It established a tripartite mediation commission, empowered to handle labor disputes. According to Izutaro Suehiro:

> It . . . prohibited outsiders from intervening in disputes. . . . It was designed to cope with the members of non-disputing labor unions or other outsiders who increasingly tended to intervene in labor disputes in the name of joint struggles or sympathetic assistance. . . . Actually, however, the mediation commission participated in only five or six disputes although mediation officers who were empowered to enforce the law were exceedingly active. Police officers also often intervened in disputes to force mediation.[1]

The pre-war labor movement was thus not only prevented from maturing as an integrated socio-economic body, its growth was greatly retarded. At its peak in 1931 organized labor represented a mere 7.9 per cent of industrial labor or an estimated membership of 368,795.[2] Moreover, not all of those included in these figures actually qualify as authentic, independent organizations.

The absence of adequate labor dispute machinery plus the fear of victimization (discharge, strike-breakers, police or company hired thugs) often led to acts of sabotage, factory occupation strikes, slowdowns and physical violence against supervisory personnel. Unions were able to intervene in most labor disputes, if at all, only after their occurrence and they often disappeared from the scene at their conclusion.

Employer personnel policies were best described as "benevolent despotism." The factory hand was regarded as an inferior in a master-servant relationship. The concept of wage labor as an impersonal exchange in return for monetary compensation was ignored. In lieu thereof employees were recipients of paternalistic stipends in recognition for loyalty, diligence and subservience. Under such conditions the practice of collective bargaining was most difficult. "There existed no laws designed to protect and encourage labor unions although there were many designed to restrain their activities."[3] The blacklisting of union men, the yellow dog contract, discharge of union supporters, col-

[1] *Nihon Rodo Kumiai Undo Shi* (History of the Japanese Trade Union Movement) *Chuo Koron Sha*, 1954, pp. 125-6.
[2] In 1936 the pre-war peak numerical strength of 420,589 was attained; however, the rate of unionization was inferior.
[3] *Op. cit.*, N.R.K.U.S., p. 122.

lusion between police and employer, company unionism and captive employee representation councils were common fixtures of the industrial landscape.

Rising Militarization

The Manchurian Incident of 1931 and subsequent military campaigns in China were accompanied by a rising tide of jingoism and nationalism that eventually assumed the proportions of a tidal wave. As militarism rose in power the trade union movement gradually succumbed. By 1939, at the behest of the militarist-controlled government, the few surviving unions were forced to dissolve. Seeking to emulate the German Nazi and the Italian Fascist examples, the government organized the "Sampo" (or *Sangyo Hokoku Kai*—Industrial Patriotic Association) in every enterprise and workplace, embracing in its membership everybody from the company president to the lowliest laborer. Each chapter was headed by the company executives. Thus Japan entered a period of industrial totalitarianism.

S.C.A.P. Reforms

The Occupation reform program marked the commencement of epochal changes in the entire range of industrial relations. As noted earlier it was the objective of S.C.A.P. planners to advance labor practices and legislation to the level of the Western democratic nations. This was accomplished by two primary means: the enactment of legislation and the sponsorship of a strong self-reliant trade union movement that would serve as a countervailing force in the democratization of the semi-feudal labor structure. A Ministry of Labor was established for the first time in 1947.

In addition to the enunciation of labor's rights in the "MacArthur Constitution," the following basic laws were sponsored:

The Trade Union Law providing the right to organize and to bargain collectively and describing the nature of unfair labor practices. A tripartite network of regional and national Labor Relations Commissions was established, empowered to provide the services of arbitration, conciliation and mediation in labor disputes as well as the processing of unfair labor practices charges.

The Labor Relations Adjustment Law covering the procedures and machinery of arbitration, conciliation and mediation to be employed by the Labor Relations Commissions.

During the early Occupation period both S.C.A.P. and government officials placed the greatest emphasis on the voluntary resolution of labor disputes. Government intrusion was kept to a minimum.

Conservatism Returns

Eventually the immature extremist tactics of Communist-influenced unions and—of greater consequence—the onset of growing cold war tensions between the United States and Russia caused a sharp change in American policy towards Japan. "Democratization" was de-emphasized and the accent was placed on the rapid economic rehabilitation of Japan as a "Partner in the Free World." Priority was given to the achievement of industrial labor tranquility requiring increased government intervention in the resolution of labor disputes. The Occupation ban of the February general strike of 1947 marked the commencement of a growing encroachment by S.C.A.P. and the central authorities upon the area of industrial relations.

Unions representing two million government employees sponsored a series of strike actions which betrayed extremist political overtones. At the urging of Occupation officials the Japanese authorities caused to be enacted a series of laws in 1948 which, while retaining the right to organize and bargain collectively, denied the employees of government-owned enterprises the right to strike.

> The effect of the special legislation dealing with public workers was to remove almost one fourth of all the unions and about one third of the union membership from the coverage of the Trade Union Law. Close to one million members were affected by the acts relating to public corporations and enterprises. More than 1.3 million union members now fell under the jurisdiction of the national and local civil service laws.[4]

During 1949, and again in 1952, additional legislation was enacted by the Diet permitting government intervention in labor disputes or work stoppages which might "seriously affect the national economy or seri-

[4] Solomon B. Levine, *Industrial Relations in Postwar Japan*, Urbana, Univ. of Illinois Press, 1958, p. 145.

ously endanger the daily life of the general public." It stopped short of enforcing compulsory arbitration. These emergency powers were created as a reaction against prolonged strikes in the electric power and coal mining industries. Further restrictions were added in 1953.

This trend was visibly reinforced by the S.C.A.P.-ordered "red purge" of 1950. Following the outbreak of the Korean conflict the Occupation G.H.Q. encouraged a sweeping purge of Communist supporters. Government officers and private employers consequently discharged suspected Communists or Left-wingers including a large number of union leaders and activists. By the end of 1950 approximately 12,000 had been removed. The purge was also responsible for the following by-products:

a. There occurred a severe shortage of union leadership cadres, and replacements were sorely lacking. During the years immediately following, the trade unions were consequently in a weakened, disoriented state.

b. On the heels of this weakened condition and the shift in S.C.A.P. policies, employers became more aggressive.

c. The precedent of government intrusion into internal union affairs was established.

Thus with the signing of the Peace Treaty at the termination of the Occupation Era in 1952, American policy shifted from its former encouragement of trade unionism and free collective bargaining to a closer alignment with the conservative political and business community whose interests coincided with the policy of strong governmental regulatory powers over labor.

The past seven post-occupation years have witnessed a steady progress in governmental encroachments upon areas formerly subjected to drastic S.C.A.P. reforms—education, constitutional revisions, labor legislation, antimonopoly controls, police powers, rearmament, and so forth. Each attempt at "revision" has evoked bitter conflicts between the "progressives" (Socialists, labor unions) and the "conservatives" (the business world, rural areas, government bureaucracy).

The trade unions represent, by far, the single most important source of votes and financial support for the opposition Socialist party. Undoubtedly this has caused labor to be singled out for regulatory surveillance by conservative regimes. The occasional extremist behavior of inexperienced labor leaders has been equally responsible and furnished a "justification" for such moves. Despite strong labor opposition the Yoshida Cabinet managed, during 1952, to obtain the approval of the Diet of the Subversive Activities Prevention Law. It was claimed by opponents that certain clauses of the proposed make possible their application against legitibill were so vague and broad in scope as to mate activities of labor.

Several years ago the powerful Japan Coal Miners Union (*Tanro*) launched several nation-wide sympathy strikes of 24 and 48 hours duration to hasten the settlement of a prolonged dispute at the Kishima coal mine. At the time the Labor Minister publicly opined that the sympathy strike was illegal and called upon the union to withdraw its decision. This and many other incidents that could be cited serve to demonstrate that the role of government as an impartial authority is often subject to wide interpretation.

Earlier this year, upon the urging of the industrial world and government officials formerly associated with the pre-war Home Ministry, the Kishi Cabinet submitted to the Diet a proposed revision of the Police Duties Law; several of the proposed clauses were couched in such sweeping terms as to render them suspect. The Opposition claimed that the revised law would permit the arrest of persons for "preventive" reasons, to ban meetings or picket lines as threats to the public security. The public outcry, recalling bitter memories of prewar police abuses, rose to such proportions as to force the government to withdraw the controversial revisions.

The Right to Strike

The Japanese public is now witnessing the climax of a two-year running controversy between the government and the unions representing the employees of public enterprises over the issue of ratification of the International Labor Organization Convention 87 (freedom of association and right to organize). Because these organizations, under present statutes, are denied the right to strike and must submit to compulsory arbitration, they have repeatedly attempted to regain their freedom of action. Frustrations have been increased by the necessity of negotiated

wage settlements between labor and management to be submitted for approval to the Diet. Sometimes the Diet has vetoed such accords by refusing to allocate the necessary funds.

Two years ago a number of these unions, the National Railway Workers Union (*Kokutetsu Rodo Kumiai*) in particular, embarked on a series of illegal strike actions which turned out disastrously for the union side. Public disapproval of the unions' extralegal rashness ran high. Taking advantage of the widespread public censure the government proceeded to discharge or discipline thousands of union leaders and supporters. Numerous national union officers were included among the dischargees. Since the law requires union officers to have the status of "employees," their dismissals were tantamount to a government purge of elected union officers. The authorities further took the position that recognition of the union as the bargaining representative would be withheld until the discharged leaders were replaced in office with "employees in good standing."

Thereupon the Japanese unions entered a complaint with the I.L.O. accusing the government of violating the spirit of I.L.O. standards. The International Confederation of Free Trade Unions has also strongly supported this stand. Since then the I.L.O. has formally recommended to the Japanese Government that existing laws permitting the authorities to exercise a veto power over the elected leaders of a union are not consistent with accepted practices and should be revised. The Government may therefore be required, in some manner, to modify its policy.

The State's Economic Role

Any evaluation of the role of government in labor affairs must include mention of the far-reaching governmental influence upon national economic and financial affairs. The industrialization of Japan is the handiwork of a state that had assumed the combined roles of entrepreneur, financier and initiator of the fostered economic "leap forward." Even today not only does the state operate industries such as tobacco, alcohol, salt, railroad transportation and communications, it also provides important services including loans, subsidies, the setting of production quotas, the organization and encouragement of commercial "cartel" agreements, export and import licences, the procurement of raw materials, and many others.[5]

The tradition of centralized controls goes back to feudal times, a period when all phases of life were subject to total regulation. Moreover concentration of administrative powers in the hands of an arrogant, status conscious government bureaucracy—the antithesis of the "public servant"—remains largely unchanged.[6]

The contemporary industrial relations scene is undergoing the painful and difficult process of adapting an authoritarian, tradition-based labor structure to the requirements of a democratizing industrial society. Industry and government seek a compromise that would permit the retention of the essential levers of authoritarian control. On the other hand it is in the very nature of the trade union to strive for a labor relationship that is, in the final analysis, closer to the Western prototype.

Problems of Free Unionism

Hemmed in as they are by the constrictions of employer paternalism, an unsympathetic regime, and a membership which is still partially under the shadow of subservient labor-management relations, the trade unions have sought recourse in an aggressive posturing and political extremism as a substitute for the socio-economic role that is largely denied them.

Japan's ruling élite—the financial oligarchy and the bureaucracy—clearly hopes that the police and governmental authorities will at least partially resume their prewar regulatory powers over union activities and labor disputes. How far this trend will go is linked with the larger questions of the future fate of basic political and social institutions. Nonetheless the resolution of many disputes through the channels of voluntary conciliation and mediation under the aegis of the

[5] "Since Japanese industries are considerably dependent on governmental economic policies, there are obvious connections between the latter and wage levels. In other words, the system of State regulated capitalism . . . [involves] State regulation of labor-management relations." Allen B. Cole, *Japanese Society and Politics:* The *Impact of Social Stratification and Mobility on Politics,* Boston, Boston University Press, 1956, p. 98.

[6] "Democratic control over bureaucracy is provided for legally, but it still remains to be firmly established in practice. Meanwhile legislation strengthening the bureaucracy has been enacted in such fields as labor, police, national security, and antisubversive activities. These laws which strengthen bureaucratic power work inevitably toward the diminution of individual freedom." Chitoshi Yanaga, *Japanese People and Politics,* New York, John Wiley and Sons, 1956, p. 311.

central and regional Labor Relations Commissions whose operations remain largely outside the pale of government pressures lends a small, but positive note.

In retrospect, perhaps the most crucial requirement for the emergence of soundly-based labor regulatory practices is the reduction of the lopsided, excessive preponderance of the conservative business élite in the decision-making functions of government and the market place. Trade unions, if they are to carry out adequately their social responsibilities in a modern industrial society, must acquire sufficient power—economic, social and political. The continued progress of Japanese society demands the growth and maturation of sufficiently influential countervailing forces; none is more indispensable than the existence of a strong and responsible trade union movement. The modernization of labor-management and government-labor relations hinges upon the emergence of a more equitable power relationship. Surely similar observations can be readily applied to the aggregate of Japan's budding democratic institutions.

"In the face of the hearings of the McClellan committee, there can be no doubt of the economic and political strength of labor unions in America today. The power held by the International Brotherhood of Teamsters overshadows anything the business barons of 60 years ago could have envisioned.

"This is a power over every business in the nation. It is a power over every other union in America. It is a power that touches every home in America.

"I asked Jimmy Hoffa if he wasn't afraid of anyone having such power as he possesses, and he shrugged it off with the comment that 'I don't abuse it.'

"There is a tremendous power in the Teamsters union without any help from special laws, but we have this power augmented by large tax-exempt treasuries and special laws that make the operations immune from the anti-trust laws.

"And, it should be clear that the special laws that give labor organizations the advantages they hold is a result of the political power that labor exerts.

"What is the source of this tremendous political power that unions hold?

"Some of it is the legitimate use of the force of the numbers of persons in organized labor, and the pressure that any large number of voters exerts in a democratic society.

"But, the McClellan committee has demonstrated dramatically that much of the power flows from the millions of dollars that flow into political campaigns from union treasuries.

"The Federal Corrupt Practices Act prohibits the use of union funds in federal campaigns. But, we have seen that union funds are used extensively in city, county and state political campaigns. And, some of this union money—collected on a compulsory basis from union members—also finds its way indirectly into the federal campaigns from time to time.

"These are tax-exempt funds. Under our present tax laws they should not be used for political campaigns, but it is being done. And, so far, the Internal Revenue Service has continued on its long-time lax policy of doing little or nothing about it.

"Although this use of tax-exempt funds in politics is widespread the operations of the Teamsters union, and specifically of Jimmy Hoffa, represent the most dramatic example of the evils inherent in allowing any union official a free hand in using union funds in politics.

". . . Unions should be brought under responsible control. The power should be curbed, without engaging in union-busting. But, the first step is to control the tax-exempt union funds—that is the source of political power and the source of corruption."

—Clark Mollenhoff, Pulitzer Prize winning Washington correspondent for Cowles Publications, in an address delivered December 4, 1958.

"There are probably as many differences in the handling of labor problems among developed countries themselves, or among underdeveloped countries themselves, as there are between these two somewhat artificial categories," observes this specialist, writing from Iran. Noting that in many underdeveloped areas unions and government are both weak, he points out that "While one might hope for stronger unions and more effective governments, national pride and modern welfare concepts have touched many employers to the point where they acknowledge moral obligations to their employees that go beyond the requirement of the market." The author analyzes the problems of labor regulation in underdeveloped nations in terms of "a simple analytical framework that includes almost all the labor problems of any country, regardless of its state of economic growth."

Labor Problems in a Developing Economy

By George B. Baldwin

Harvard Advisory Group, Plan Organization, Teheran, Iran

Are there significant differences in the labor problems, including labor-management relations, between so-called developed and underdeveloped countries? Are the problems of government in regulating these problems different in these two types of economies? Let us begin with specifics by listing some examples of labor problems faced by governments in the early stages of economic growth.

In Iran, where this piece is being written, Westerners are shocked to learn that many Persian carpets are woven in dark, stuffy rooms by children not yet in their teens who earn perhaps 20 cents for a 12 hour day. These hours are too long; the labor is too young; the working conditions are unhealthy; and the pay is too low. Moreover these things are not only morally offensive, they are illegal. Nevertheless the state is powerless to enforce the law against child labor because it has neither the trained staff nor the will to do so. In this major Iranian industry, raw market forces determine wages and working conditions.

Turning to the Soviet Union, a recent graduate from the class of "underdeveloped countries," we find a record of strong government control over labor during the formative years when the Russian labor force was being transformed from a heavily rural, agricultural mass into an urban, industrial population with entirely different skills. The Soviet government has rigidly controlled the wage level and the non-monetary terms of employment through the imposition of administrative and political controls. These con-

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trols were exercised mainly through trade unions which existed to enforce the aims of the state and not to assert the interests of the workers. We cannot deny the effectiveness of this policy within the framework of official Soviet values: consumption was held down, production stoppages were minimized and the necessary savings were generated to finance a high rate of capital-formation. Furthermore, the Soviet government put a great deal of money and administrative energy into vocational education (just as the Mainland Chinese government is doing today). Certainly skill formation is a major factor governing the rate of industrialization of underdeveloped countries.

Modern India faces most of the same labor problems faced during the past generation by the Soviet Union. Yet India's institutional structure and, more importantly, its cultural values have produced a set of policies and institutions very different from those of the U.S.S.R. and of Red China. One characteristic of India's approach to her labor problems is likely to be true in any democratic country trying to reconcile the demands of development for productivity and high savings with a free labor movement, i.e., considerable fumbling and confusion.

This is vividly illustrated by India's approach to a universal problem of labor relations, the problem of deciding which unions shall be entitled to official recognition and bargaining rights with employers. A few years ago the Indian Parliament debated and passed a law that reads almost exactly like the National Labor Relations Act of the United States. However, this law has never been implemented; it has been simply ignored, without appointing the specified administration or appropriating funds for the law's enforcement. Why? Because the law did not fit the institutional situation of the country as well as laws and practices of longer standing which suited the country better. The unused "Wagner Act" apparently represented an unworkable attempt to transfer to India arrangements that have emerged from different American traditions, values and institutions. But note that both the Indian and American governments had to contend with an identical problem, the problem of framing government policy to deal with the classical questions of union organization, union recognition and bargaining rights.

Our last example is from the United States. This country had no explicit policies towards labor during the period when we were an underdeveloped economy. Such policy as we had was laid down by judges as they decided labor cases in the light of the common law and, later, as they interpreted the anti-trust acts. Our judge-made law of the nineteenth century stands in contrast to the emergence of legislative policies of the late 1920's and especially the revolutionary labor legislation of the New Deal. The historic tradition of judge-made law during our period of early industrial growth grew out of legal conceptions that expressed the self-interest of dominant groups in our society; this approach had nothing to do with any explicit consideration of labor's role in the strategy of economic growth. The main qualification to this characterization of our nineteenth century labor policy was the mounting private and public pressure to control the worst results of this policy of maximum freedom to the employer; these attempts gradually resulted in bans on child labor, minimum wage legislation, compulsory workmen's compensation, regulation of women's work, and similar areas where an emerging social conscience supported minimum labor standards.

Standing alone, these examples do not throw much light on differences in the role of government in regulating labor-management problems in developed and underdeveloped countries. However, such examples can be brought into focus by a simple analytical framework that includes almost all the labor problems of any country, regardless of its stage of economic growth. The framework has two parts: (1) the identification of three universal problems involved in government regulation of labor problems and (2) a statement of the two key factors which determine a country's response to these universal problems.

Universal Problems in Regulating Labor

Governments everywhere are faced with these three categories of labor problems as soon as a country enters the initial stages of industrial growth:

1. *Labor standards on the job:* these include the *minimum* conditions of employ-

ment which the government will write into law and try to enforce. Such standards reflect current social conceptions of minimum health protection and human decency for the least favored and least protected groups in industry.

The following topics illustrate the areas of the employment relationship touched by legislation on employment standards:

Hours worked per day or per week
Rates of overtime pay (we tend to forget that overtime pay is supposed to be a penalty on employers for excessive hours and not simply a bonus for employees)
Minimum wages (national, regional, or by trade —or in combination)
Compensation to workmen in case of accidents
Prohibitions against children's labor
Specification of the hours and types of work permitted to be assigned to women
Required safety devices and practices
Protection against arbitrary dismissal
Welfare provisions (e.g. required clinics, crêches, drinking water, and so forth)
Methods and frequency of wage payments

2. *Labor benefits off the job:* there is a large class of benefits provided by states through their own administrative machinery that are intended primarily to help employees but which often serve the general needs of the economy. Examples are:

Unemployment compensation
Employment exchanges
Old age pensions
Health insurance and sickness benefits
Workers' housing
Vocational training

This group of benefits is not well defined except by convention. For our purposes, the main questions surrounding such benefits are their cost and the administrative ability of the state to provide them effectively.

3. *The regulation of private bargaining:* No government leaves all the terms of private employment relationships to decisions of employers and employees; however, there is great variation in the degree of freedom which the state leaves to private bargaining. Even where private parties may have wide freedom to make their own bargains, the state may regulate the *methods* which private parties are permitted to employ in their bargaining. Strikes, secondary boycotts, mass picketing, even the organization of employees into trade unions may or may not be permitted. The state's role in specifying the "rules of the game" may vary considerably even among similar countries, as it does between Britain and the United States for example.

Factors That Determine Response

What factors determine how the government of any country handles the three types of problems just described? These two explain most international differences:

1. *The government's competence:* by "competence" I mean the ability of government personnel and machinery to identify problems, to devise policy approaches to these problems, to administer a policy and to enforce its decisions. As we shall see, a major difficulty in the regulation of labor in the less-developed countries stems from the incompetence of their governments. A major reason for this administrative impotence is the lack of trained personnel available for full-time government service.

2. *The structure of society:* in using this general phrase, I mean to include such things as the occupational and geographical distribution of the country's labor force; the "mix" between large-scale and small-scale establishments; the class structure of society; educational and skill levels; the dominant values of a society and its respect for minority values; the varieties, interests and vigor of non-governmental institutions found in the country; and the major power-groupings of a society and their expression in political activity and legal controls. One might spell out such factors in almost infinite detail; but that would only obscure my basic point, namely, that what a government tries to do in the field of regulating labor relations is a result of the social forces that emerge from the specific structure of particular societies.

Having said that social structure and culture determine the objectives of government policy, we may also say that the distance between ideals and practice is one measure of a government's administrative competence. In a great many less developed countries there is a huge gap between what a government wants to do in the labor field and what it is able to do with any effectiveness.

Turning now to the special problems of governments in underdeveloped countries we must begin with their special characteristics

of culture and social structure that differentiate them from more advanced economies. Broadly speaking, underdeveloped countries are non-industrial, rural societies where productivity is low and illiteracy is high. Anywhere from 50 to 80 per cent of the labor force is engaged in agriculture (only if there is capitalistic plantation agriculture is this sector likely to exhibit "labor problems"). Of the small number employed in industry, a large proportion will usually be found in small-scale rural handicraft industries. Certain of these traditional industries are almost inevitably undermined by competition from the modern factories which come with economic growth; this is particularly true of textiles, an industry found in almost every country. By definition, productivity is low and since jobs are scarce a high premium is put on job security.

Urbanization

Economic development requires a wholesale transformation of society on a scale not unlike that of the classical Industrial Revolution in the West. The accompanying process of urbanization implies the transfer of large numbers of rural people with traditional agricultural skills to new city environments where they must learn new skills and work routines and develop new institutions for their self-expression and protection. Employers are unlikely to have gained much skill in handling labor problems at this early date and there is unlikely to be any helpful body of tradition and accustomed practices to guide the emerging institutions on either side of the labor market.

Although the problems which this situation poses for governments are similar to those thrown up by the Industrial Revolution, there is one major difference between the position of underdeveloped governments today and that of the nineteenth century Western governments as they struggled with these problems: although underdeveloped countries have not gone through the Industrial Revolution, many of them have been exposed to the democratic political revolution of the past two generations. I am referring particularly to the almost universal adoption of those modern democratic ideals embodied in social security concepts. The appeal of social-security type benefits often tempts the governments of poor countries into more ambitious programs than their productivity warrants; this is notably true of several Central and Latin American countries, where the result is to raise production costs and reduce labor mobility unduly. The development of state welfare benefits has come much earlier and much faster in today's underdeveloped countries than it came in the history of the older industrialized nations. From a political viewpoint, social security programs have come to enjoy such an irresistible appeal that today's developing countries do not have to go through nearly as prolonged a social struggle to get them established.

Legal and Administrative Needs

A major difference between developed and less-developed countries in the field of labor is that the former have already established the framework of laws, the institutions, the attitudes, public and private human skills and the standards which structure the employment relationship in a modern society. Most underdeveloped countries must go through this partly disruptive, partly creative process. Since many of the solutions to specific problems (e.g., social security programs, personnel techniques, training and productivity programs, the organization of government labor departments) have a considerable degree of international transferability, underdeveloped countries today need not go through all the experimentation which we can read in Western industrial history. But whether a country's solutions come from abroad or from its own experience or from a combination of both, its government is likely to have to pay special attention to the following three problems:

1. The development of a legal framework for dealing with labor problems.
2. The identification of the new skills required in the process of development and the establishment of new training institutions at several skill levels.
3. The building up of an effective administrative machine to administer and enforce labor policies and standards. An effective labor department is also important to collect and interpret the statistical and other information needed to understand the country's labor problems.

A country's value system is of special importance in determining the legal framework and the more specific policies underlying it. A society like India, whose government believes in the freedom of private groups to pursue their own self-interest, will obviously establish a very different set of rules than another where authoritarian governments wish to control the kinds of institutions that emerge and their behavior (e.g., Yugoslavia or Iran). But even in countries where ideals of freedom allow a large role to unions and to private bargaining there is likely to exist a major difficulty in making this policy effective. That difficulty is the weakness and poverty of the labor movement.

This fact tempts both the state and the Communist party to compete with trade unions as the main protector of the employee against the employer.

However, when we lay the weakness of the union movement alongside the administrative impotence of government in many countries, this combination of weaknesses leaves the employer as the strongest force in determining the terms and conditions of employment. While one might hope for stronger unions and more effective governments national pride and modern welfare conceptions have touched many employers to the point where they acknowledge moral obligations to their employees that go beyond the requirements of the market. It is probably true to say that the Welfare Capitalism of the larger and more enlightened employers in many underdeveloped countries exerts a more positive influence on labor standards than anything the government is able to do.

Although I have suggested a few broad differences in the government's relation to labor-management problems in developed and underdeveloped countries, I am skeptical about pushing these differences very far. There are probably as many differences in the handling of labor problems among developed countries themselves, or among underdeveloped countries themselves, as there are between these two somewhat artificial categories. To anyone interested in defining these differences more precisely or in urging specific tasks on the governments of underdeveloped countries I would give the following advice:

Defining Differences

First, make certain you have a good understanding of the problems of labor and labor-management relations in more than one type of society. Without this, all of us are hopelessly prisoners of our own culture.

Second, make an "inventory" of the culture and social structure of the particular country in which you are interested. One can do this only if one has a good feeling for those cultural factors that shape a government's response to the country's labor problems.

Third, before committing a government to new tasks, reflect on the administrative competence of the government to do what you would like it to do. It does not follow, of course, that governments should never take on tasks until there is no question of their administrative competence to carry them out —people and institutions normally grow in abilities even as they muddle along. But at the other extreme is the not uncommon belief that the real world will change simply because laws have been passed.

(*Continued from page 67*)

Directors as the owners; in addition there are members independent of both groups. They are also represented in the corporate management (*Vorstand*) through a director of labor with equal authority.

Thus, the Federal Republic actually does not face very serious problems in the relationship between the *Sozialpartner*(s) and the state. We highly appreciate this situation and shall direct all of our efforts toward sustaining the peace. The preservation of this condition will be decisively influenced by a continuing successful economic policy because such a policy, more than anything else, is in a position to eliminate the most dangerous source of dissension, the envy of class conflict.

The editors wish to acknowledge the kind efforts of Harry Brown and Edith F. Mroz, who assisted in the translation of Dr. Erhard's article.

What role should government play in labor regulation in a democratic society? As Murray Edelman points out: "A democratic regime will consider the claims and grievances of all contending groups in formulating labor policy on pain of losing office if it incorrectly assesses their strength." He calls attention to the fact that "A regime clearly forfeits a claim to be called 'democratic' if it carries regulation of labor to the point of using unions primarily to promote interests other than those of the working population."

Labor Policy in a Democracy

By Murray Edelman
Professor of Political Science, University of Illinois

There is a superficial sense in which the goals of public labor policy are the same in all the democratic countries. These abstract goals, symbolically potent and semantically hollow, are the coin of political debate. To minimize the harmful effects of strikes, especially on innocent third parties; to curb unfair tactics; to promote peaceful negotiation; to safeguard the public interest; to provide minimal economic and social protections for the worker are the more common of these honorific goals. One or more of them is inevitably cited by every contending group and by its political representatives as justifying the particular form of regulation that group currently espouses.

Murray Edelman teaches in the political science department and at the Institute of Labor and Industrial Relations at the University of Illinois. In 1951–1952, he had a Fulbright research grant to study in Vienna and later published a monograph, *National Economic Planning by Collective Bargaining,* analyzing the relation of economic interest groups to public policy formation in Austria. In 1956, he taught at the Bologna Center of the Johns Hopkins University in Italy under a Fulbright lecture grant, and published several articles on sources of popular support for the Italian political parties. He has also published books and articles on interest group activity in public administration in the United States.

These must be understood, however, as appeals for public support rather than as definitions of issues. They appeal to everyone's sense of fairness while concealing conflicts of interest and of intent behind words like "harmful," "innocent," "unfair," "public interest" and "minimal." The real issues emerge from specific economic and social conditions that vary with place and time.

The political problem of regulating labor in a democracy is therefore a twofold one. The ministry currently responsible for policy formation must try to find the phrases that will minimize political disaffection by making as wide an appeal as possible. At the same time it must face current problems which can be solved or mitigated only by reallocating the national product, by altering labor-management power relationships, and by granting other real benefits, as distinct from symbolic ones. The democratic state must fulfill both functions because language is inexact, man is not always a wholly rational organism, and groups vary in their ability to analyze complex problems and to wield political sanctions.

Even the texts of labor laws and of court decisions and administrative rulings dealing with labor matters may fulfill only a propaganda function, or may actually reallocate resources, and often do both. Insofar as they announce their purposes in the abstract phrases mentioned above, or in paraphrases of these slogans, their function is to symbolize the intention of the government to correct conditions deplored by many voters. The very existence of a labor ministry or

commission and the publicity that attaches to its procedures, announcements and struggles may serve as further reassurance to those who are concerned. Insofar as labor law administration actually involves the reallocation of resources, it tells us which groups wield political power in this field at the moment.

A democratic regime will consider the claims and grievances of all contending groups in formulating labor policy on pain of losing office if it incorrectly assesses their strengths. Opposition groups are free to try to find more appealing declarations of intention than those of the party in power; they are free to try to persuade a majority of the voters that there is an unjustified divergence between declared policy and actual satisfaction of the claims of the various groups; and they enjoy the possibility of replacing the party in power by constitutional means if they succeed in winning enough support.

Few principles of industrial relations are as clearly established as the proposition that politicians pay markedly less attention to such principles than to political sanctions that may be brought to bear against them. What conditions create politically potent groups in this area, shaping the character of regulation? The question is one to be discussed, not to be answered. It is clear that some of the same elements play a central part in the formulation of labor policy in all democratic states; and that variations in these elements are associated with variations in political strength and in policy direction. The elements discussed here are certainly not the only significant ones, but they may offer some clues to the understanding of international similarities and differences in labor ideologies and in specific policies. The clues are usually far from conclusive, and generalizations must accordingly be understood as tentative. Though a number of problems are discussed separately for purposes of analysis, it will be obvious that they interact with each other.

The National Political Party System

The strategies of a nation's political parties and the character of their appeal reflect the degree of popular consensus on basic policy directions. This factor, like all the others discussed below, is really a continuum. In some countries there are parties which disagree on the very issue of the continuance of democracy. In others the only parties with a chance of attaining office agree on everything basic.

The first extreme is represented by Italy and France, where Communist parties seriously bent on destroying democratic institutions have regularly drawn the support of a markedly higher proportion of the electorate than in any other democratic state. In both these countries there are also neofascist parties, much weaker in voting support but equally bent on repudiating democratic values. The popular support for the Communists comes chiefly from workers, including the unemployed, and it doubtless reflects their despair with their economic lot and their alienation from their more privileged compatriots. Postwar labor policy in both countries has been directed largely to minimizing and countering the effects of political strikes and to encouraging non-Communist labor organizations. These are forms of governmental activity to which most democratic nations have fortunately been able to pay much less attention.

The absence of an underlying popular consensus has had other effects on the problem of regulating labor. It has been impossible to attack certain basic economic problems vigorously because the political dangers would be too great for any regime that tried it. The serious possibility of throwing additional votes to already powerful Communist parties has thus reduced the maneuverability of the government on all issues, as has the rigidity of its conservative supporters. It seemed to be politically impossible, for example, for postwar Italian governments to abandon the policy of freezing employment in industrial plants in favor of a more fundamental attack on the unemployment problem.

At the other extreme is the American political party system, evidently reflecting a very great measure of consensus on the fundamental policy directions of the state. Here labor policy has been a frequent campaign issue, especially proposals to change union-management power relationships. Democrats have espoused pro-labor positions more often than Republicans in party platforms and in congressional votes; but careful studies of the actual consequences of labor relations

laws (as distinct from protective laws and social insurance) conclude that these statutes, whether pro-labor or anti-labor in symbolic aura, have been rather less responsible for actual change in the resources and power of unions and management than their well publicized phrases suggest. This is true in the sense that key provisions are often ignored or watered down in their administration to accord with practical necessities. It is also true in the sense that such real changes as do occur can often be traced more directly to social and economic necessities, which define the changes.

There is good reason to suspect that the rather rigid political centralism characteristic of American parties offers a barrier to politically induced change in union-management relations, just as political bipolarity in Italy presents a barrier. The use of governmental action as an instrument of effective change in union-management resources may well hinge on the existence of a party system that reflects a fairly wide range of popular values, not polarized either at the center or at the two end points. Where public values and the major parties are concentrated near the center of the political spectrum, nongovernmental organizations other than parties appear to be the foci of change. A bipolar system encourages stalemate. Maneuver and logrolling permitting effective political action in this sense are evidently facilitated by a range of parties and values that make political negotiation possible even where wide divisions of economic interest exist. The Scandinavian countries exemplify this last type fairly well.

Unipolar and bipolar systems as a whole do and must move to the Right or the Left as conditions and public values change; but under such systems governmental regulation of labor can take place only within the fairly narrow policy range on which there is wide popular agreement. Such agreement is evidently easier to obtain in all countries on protective labor legislation and on social security safeguards than on policies effecting alterations in union-management power relationships. The former types of law are usually more than symbolic because they represent regulation in behalf of largely unorganized groups, unable to safeguard their interests by direct economic action, but enjoying political support, for one reason or another.

Economic Versus Political Action

Just as public policies are the result of the interplay of group values, so the outcome of direct union-management negotiations reflects the interplay of group values. The set of groups involved may be narrower, but both sides are sensitive to the opinions of other publics, for these opinions influence union and management strength at the bargaining table, in strikes and in the political arena. In this sense collective bargaining, strikes and the governmental process are alternative ways of realizing dominant public values in the division of spoils between labor and business. This is especially evident where public opinion and party programs are concentrated at the center. Where there is no such concentration, private accommodation of interests is more likely to diverge from governmental action and to be reflected in different policies.

Both sides appear to prefer economic action when they can get what they want in that way, and economic negotiation has accordingly been the principal technique of policy formation in the United States and, to a lesser extent, in England. Where the political support of either side is significantly greater than its economic strength, it turns to governmental action. European labor movements have accordingly been predominantly political movements. A significant difference in the outcome of the two processes occurs most frequently where unions are weak in numbers, in organization, or in ability to win rank and file support for a strike or boycott, and where political parties based chiefly on the support of labor and those sharing its values wield a strong influence.

Claims Upon the National Income

Strong political support for a policy of curbing labor's, or management's, economic power is almost certain to be forthcoming when strong claims are made on a limited national income, as is true in all countries in wartime. It is also true in peacetime in states suffering from severe disruption of productive facilities (postwar Austria) and sometimes in those enjoying full employment (postwar England and France). In such

cases regulation of union and management tactics will probably be more than symbolic, effectively changing resource allocations. This form of regulation stems from a common concern for maintaining a viable economy. It may also reflect the political strength of those without effective economic sanctions at their disposal. These latter groups may still enjoy a good deal of sympathetic support, as the Austrian pensioners have; and they usually can vote.

Conversely, controls are unlikely where the national product is large enough and the economy viable enough to permit a comparatively satisfactory standard of living for the economically weak in spite of administered prices or strong union claims.

Direct controls over distributive shares of the national income are only one illustration of the more general point that any conditions substantially bolstering the ability of labor or business to hurt other groups in society often create support for regulatory measures. While this is obvious enough, it is harder to know under what circumstances the regulation is likely to be only a gesture.

Controls of the Job Territory and of the Product Territory

Both competition for jobs and competition for business may seriously injure the competitors unless controlled by business agreement, by government or by unions. In most foreign countries controls over the product markets are provided by business cartels or by public regulation. In the United States some unions have come to play an important part in the control of labor markets, and occasionally in regulating product markets as well. Regulation of competition is an economic function which evidently cannot be left unperformed, and it is usually performed in a wholly legitimate fashion. Racketeers perform it when no other agency is available. Labor racketeering, a labor problem far more conspicuous in the United States than in other democratic nations, is a result both of the economic need for control of competition and of the pernicious ethical climate growing out of the ability of union and management officials in some industries to grant each others' demands painlessly at the expense of unrepresented groups, usually consumers.

Attempts at regulation may well become only symbolic unless they create other agencies to perform a necessary function. The same can be said of attempts to regulate union security arrangements, secondary boycotts and organizational picketing. Studies of experience under some of the American right-to-work laws, for example, conclude that they have had little practical effect. The current emphasis on these issues as subjects of governmental concern in the United States today and their relative unimportance elsewhere illustrate the fact that government regulation is often best understood as an alternative to control by other institutions, not as a reflection of abstract ideas or ideals.

Millenialism

People who share a sense of futility about their economic future seem to be especially susceptible to symbolic appeals promising salvation in the long run but paying little heed to immediate economic needs. For this reason millenialism is likely to weaken labor as an effective political interest, but it affects management far more rarely. The attraction of communism for many Italian and French workers and the historic appeal of syndicalism and the myth of the general strike for French workers are obvious examples. Religion may have served the same social function on occasion, especially for Italian women, and there is little doubt that nationalism has often done so.

To this extent Selig Perlman's celebrated critique of the role of intellectuals and doctrinaires in foreign labor movements seems well justified to this writer. On the other hand, Perlman may well have undervalued the degree to which some doctrinaire political movements, chiefly Socialist ones, have effectively served the immediate economic interests of workers besides affording them psychological and symbolic reassurance. The Austrian Socialist party helped Vienna workers realize both kinds of values after both World Wars, and the Scandinavian parties have also done so. Other Socialist parties, of course, illustrate the danger to which Perlman calls attention. The fact that a political party espouses a utopian ideology is not in itself evidence that it lacks the ability to influence resource allocations. The danger, from labor's point of view, is that its energies may be wholly diverted to dreaming

of a myth instead of dealing with pressing economic problems.

Political Intervention and Democracy

A regime clearly forfeits a claim to be "democratic" if it carries regulation of labor to the point of using unions primarily to promote interests other than those of the working population. In the states we recognize as democratic, labor is permitted to try to organize changes in economic practice and in public policy. Its efforts to these ends are often regulated, though not prohibited. Whether the regulation may fairly be counted a retreat from democracy doubtless hinges not so much on how far it is carried as on the process by which the regulations are formulated, assuming that freedom of expression and of dissent are preserved.

The wide variations among the democratic states in the degree of intervention into labor-management relations cannot easily be passed off as the difference between individualistic and socialistic tendencies. In recent years proposals for the most far-reaching forms of intervention have sometimes come from the most ardent devotees of private enterprise. It is doubtful that nationalization of industry, whatever its other merits, has often lessened the conflict of interest between worker and employer or substantially altered the outlook and strategy of either party. Better keys to understanding the differences in labor policy direction among the democratic states can be found in existing patterns of political interest, in emergency conditions, in the resources of money and of loyalty at the disposal of organized management and labor, and in the emergence of nongovernmental solutions to problems which would otherwise be handled politically.

"The World Bank lends money mainly for very expensive things like power plants and railroads, road systems and port facilities. We get our money almost exclusively now from private investors in the Free World who either buy our bonds or participate in our lending operations in one way or another. Most of our borrowers are governments who are new to the business of governing and are trying to govern in an orderly fashion populations which are becoming increasingly aroused against a life of poverty. This may seem an improbable set of conditions under which to do much business, particularly banking business, in these chaotic times.

". . . Now market conditions . . . in . . . European countries . . . offer good prospects. . . .

"These good prospects are not just the result of the World Bank's achievements; more important, they are the result of the success of Free World policy, and particularly American government policy, over the past ten years or so. Financially speaking, our first object in the postwar decade was to restore the competitive position of the industrial nations of Western Europe and Japan after the ravages of World War II. I think from every point of view financial independence is preferable to being more or less poor relations of the United States as was the case in some degree with all these nations just a very few years ago. We can say today that to a large extent our objective has been won, and that 'phenomenal' is not too strong a world to express the success of the past ten years. Last year the stamp of success was clearly marked on the records. In 1958 alone more than $3 billion net of United States private capital was invested abroad, a substantial part of this in the industrial nations of the Free World.

". . . We can say now that financial relations among the industrial nations of the non-Communist world have become something like normal, if anything is normal in this changing world."

—Eugene R. Black, President of the International Bank for Reconstruction and Development, in an address, The Challenge of International Poverty, *delivered April 20, 1959.*

Some comments on books recently . . .

Received At Our Desk

History and Politics

LEADERSHIP AND POLITICAL INSTITUTIONS IN INDIA. Edited by Richard L. Park and Irene Tinker. (Princeton: Princeton University Press, 1959. 486 pages and index, $10.00.)

The importance of India in international affairs has been frequently stressed. Within India itself, the future of democracy will be significantly affected by the capacity and determination of its ruling élite to carry out a major economic and social revolution, and instill a firm commitment to democratic values and institutions among the generation now coming of political age. The challenges confronting contemporary Indian leaders, the institutions in which they must operate, and their ability to handle the modernization of India are discussed in this valuable symposium.

A seminar on Leadership and Political Institutions was held at the University of California, Berkeley, in August 1956. The principal papers delivered there have now been published; the result is an invaluable collection of outstanding essays illumining "a few of the critical areas in Indian life where the leaders of the country are playing important roles in changing the habits and traditions of the past to meet the needs of modern times." Unlike most such works, the contributions are uniformly excellent and reflect the highest standards of analysis, organization and presentation. They are grouped under eight general topics: Traditions of Leadership, Personality and Leadership, Political Institutions, Political Parties, Influence Groups, Public Administration, Rural Development and Administration, and Leadership and Change in the Villages.

It is not possible here to discuss any of the individual papers, nor do any need to be singled out for particular attention. Each stands on its merits. Viewed collectively, these selections provide the reader with balanced and sophisticated insights into the complexities which must be met by India's leaders. The alternative to success is too ominous to contemplate.

Alvin Z. Rubinstein
University of Pennsylvania

THE SOVIET BUREAUCRATIC ELITE: A CASE STUDY OF THE UKRAINIAN APPARATUS. By John A. Armstrong. (New York: Frederick A. Praeger, 1959. 174 pages, bibliography and index, $6.00)

Information concerning the functioning of the Soviet bureaucracy, and the personality and power struggles which beset it, is difficult to obtain. Professor Armstrong's case study of the Soviet elite of the Ukrainian S.S.R. is therefore particularly welcome. With care and imagination, he has patiently examined available Soviet materials, e.g., the reports of the Central Committee of the Communist Party of the Ukraine (K.P.U.), the Ukrainian press, and unpublished Soviet dissertations, and traced the intricate pattern of Party and governmental relationships in terms of the important elite groups involved.

His conclusions are important for they shed light on the operation of Soviet government, as well as on the stability, efficiency, and shortcomings of the system as a whole. He notes that there is a relatively rapid turnover in the elite, particularly at the lower levels, thus affording "ample opportunity for new talent" to advance. Constant observation and Party guided education ensure the loyalty of the elite; yet "the relation of an educated elite to a long-persisting, drastically totalitarian system remains a riddle which only the future can solve." Political "bosses" in the Soviet Union tend to be "generalists," but they are also effective in promoting and supervising the expan-

sion of industry and agriculture. In two excellent chapters, the author describes the success of the Ukrainian apparatus in coping with the twin crises of expansion and war. Further, the elaborate hierarchical controls have not resulted in a stultifying uniformity. On the contrary, within the seemingly monolithic structure an impressive diversity exists which denotes "dynamism rather than decay."

This study is recommended primarily for the student well grounded in Soviet politics and economics. It is a sophisticated analysis, well-documented and organized, of the dynamics of managerial and Party power at the local and regional level. A.Z.R.

LENIN AND WORLD REVOLUTION. By Stanley W. Page (New York: New York University Press, 1959. 252 pages, bibliography and index, $5.00.)

Historians have long been intrigued by the changes in attitude and policy which develop as a consequence of revolutionaries becoming rulers. Professor Page has applied his skill and scholarship to the task of tracing the evolution in Lenin's thinking on the issue of world revolution. By "exposing Lenin's theories as rationalizations designed to mask his (Lenin's) personal strivings," the author has sought "to remove Leninism from the realm of the scientific and indisputable and to open upon it the floodgates of free critical evaluation." This he has done with distinction.

The chief merit of this study is the lucid synthesis effected between Leninist theory and practice during the critical 1916–1920 period. The author ably and interestingly discusses Lenin's writings and actions, and the reasons behind them, focusing his attention on the "April Theses," the Bolshevik coup in November 1917, the relationship between Trotsky and Lenin, the Brest-Litovsk crisis, the establishment of the Communist International, and the preoccupation, after 1918, with consolidating the position of the Communist party. Two themes may be singled out for particular mention. First, until well into 1919, Lenin continued "to exaggerate out of all proportion to its significance any occurrence in Germany" which tended to support his vision of world revolution. Indeed, the Red Army was supposed to assist the even more important proletarian revolution which Lenin expected in Germany. The Civil War and the Allied intervention, coupled with the failure of the German Communists, gradually forced Lenin to reappraise his analysis of the world scene.

Second, Lenin appreciated the "revolutionary potential of the Asian masses." Although he expected the Western proletariat to be the instrument of world revolution, he did not forget nor neglect the peoples of the underdeveloped world. When it became apparent that revolution in Western Europe was not imminent, Lenin sought to direct greater attention to the task of undermining Western power in Asia and the Middle East, to exploit the revolutionary potential of the Asian masses. Revolution in the West could be hastened by revolts in the East: the road to Paris lay through Bombay and Calcutta.

The author effectively presents his material, analyzing Leninist ideas within the framework of developing historical conditions. Extensive notes at the end of the study add to the value of the work.

A.Z.R.

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On Military Policy

COMMON SENSE AND NUCLEAR WARFARE. By Bertrand Russell. (New York: Simon and Schuster, 1959. 92 pages, $2.50.)

To Bertrand Russell it seems obvious that "a large-scale nuclear war would be an utter disaster, not only to the belligerents, but to mankind, and would achieve no result that any sane man could desire." Arguing from this premise, he reasons that "we must find a way of avoiding all wars, whether great or small and whether intentionally nuclear or not." The abolition of nuclear tests, the reduction of armaments now before many small countries have nuclear weapons, and negotiation of territorial adjustments to reduce international tensions are basic steps toward peace. An International Armed Force to

strengthen an International Authority is clearly vital.

Mr. Russell's argument has little appeal for American military strategists because he accepts three premises that they deny: that nuclear war on a large scale threatens civilization as we know it; that there is "a genuine desire for peace on both sides"; that scientists can work out "a system of inspection so little onerous that neither side objects to it." This little study is carefully reasoned and well written, as we might expect. Unfortunately, it will convince only those who are already convinced. Despite Russell's belief that "war cannot still be used as an instrument of policy" and that "the threat of war can still be used, but only by a lunatic," military strategists and high-level diplomats of both East and West continue to think otherwise.

WORLD WITHOUT WAR. By J. D. Bernal. (New York: Monthly Review Press, 1959. 295 pages, bibliography and index, $5.00.)

Like Bertrand Russell, this author maintains that "with modern developments the very concept of nuclear warfare has become as illogical as it is terrible." But although he sees that "nuclear war would be a tragedy beyond the range of mankind's experience of death and suffering," J. D. Bernal thinks that the "human race . . . has every chance of surviving . . . at least its first nuclear war . . . at a cost of incredible suffering."

Where does that leave the potential victims? The author finds that passive defence—sheltering the population—is impractical. Preparations for "limited nuclear warfare" he finds stupid and dangerous. A policy of "deterrence" based on faith in "negotiation from strength" he sees as "a continual wasting of human effort in the preparation and testing of weapons, and the maintenance of the present hair trigger situation in which a mistake . . . may precipitate an entirely unintended Third World War."

As an alternative to this gloomy picture J. D. Bernal offers us the main thesis of his constructive study: that cooperative coexistence with the Soviet Union is practical. After some 24 pages devoted to the horrors of nuclear war the author surveys the problems involved in "Building a World at Peace": technical, scientific, economic and political. Given the enormous rate of population growth of the world today (the annual increase is now reported at 45 million by the U.N.) and the huge gap between the living standards of the developed and so-called underdeveloped nations, it is clear that some long-range solutions to the world's economic problems must be attempted. It is the author's thesis that if these problems are attacked with vigor, tensions leading us toward nuclear war will be relaxed. Physics Professor J. D. Bernal is a British Socialist and his economic solutions may seem neither practical nor palatable to the American reader.

Some readers may take issue with his premise that economic readjustment cannot be accomplished within the framework of the capitalist system as we know it. But thoughtful Americans will study Bernal's assertion that "the present state of continuous war preparation and threats of war [is] a waste of human resources and human intelligence that is holding back the whole development of science itself . . ." and that "the benefits of using science for welfare are so great as to make entirely pointless all the disputes about which wars have been fought. . . ."

INSPECTION FOR DISARMAMENT. Edited by Seymour Melman. (New York: Columbia University Press, 1958. 291 pages, $6.00.)

Here 20 specialists have pooled their knowledge to establish the fact that, at the time of their study, "Workable systems of inspection [could] be designed to ensure compliance with international disarmament agreements." A 55-page "General Report" summary by Professor Melman is followed by detailed papers and "Reports of Evasion Teams" deliberately set up to "gauge the force of the inspection methods . . . outlined. . . ." Aerial inspection, fiscal inspection, bans on nuclear testing, control of bacteriological warfare, problems posed by missiles and the possibility of clandestine rearmament are thoroughly

explored. Strengths and weaknesses of inspection methods are evaluated and the importance of mobilizing public support is underlined. As Professor Melman summarizes it: "The main finding of this report is that it is possible to define systems of inspection which would ensure compliance with a wide variety of disarmament agreements." Although the report deals primarily with the "technical feasibility" of inspection, its political implications are enormously significant.

ARMS AND THE STATE. By Walter Millis, with Harvey C. Mansfield and Harold Stein. (New York: The Twentieth Century Fund, 1958. 414 pages, notes on sources and index, $4.00.)

Part of a Twentieth Century Fund study of civil-military relationships, this book was co-authored by Walter Millis, Harvey Mansfield and Harold Stein, Staff Director of the Inter-University Case Program. Part I, written by Harvey Mansfield and Harold Stein, deals with the influence of the military from 1930 to 1945; Walter Millis writes the much longer Part II, dealing with civil-military relationships in the Cold War period. He notes that "The civil and military elements in our society have become so deeply intermeshed that neither the uniformed officers nor the administrative bureaucracy nor the representative legislature speak from any firm independent position of principle or policy." Because of the new problems posed by nuclear weapons in our technological society, "The basic problem confronting the nation in 1945 was not that of restoring a civilian control over the military establishment; it was the problem of integration—of how military factors, military forces and military plans were to be integrated with the civil diplomacy and civil domestic policy, of how their respective exponents were to learn to talk a common language to common ends." Walter Millis traces the political and military history of the Cold War from this viewpoint, with instructive results. Noting that Eisenhower "accepted the guidance of the great businessmen, bankers and lawyers—the effective leaders of our civilian society," he calls attention to the fact that "With a former professional soldier in the White House we were to experience a considerable diminution of the power of 'purely military' factors in the control of our affairs." The "true problem of civil-military relations in the mid-twentieth century," he concludes, is that "There are no adequate standards by which either the military officer demanding greater defense effort or the congressman resisting these demands in the interests of tax reduction can guage the real effect of either position on the national security." A stimulating discussion for those interested in military and foreign policy.

EDUCATION AND MILITARY LEADERSHIP. By Gene M. Lyons and John W. Masland. (Princeton: Princeton University Press, 1959. 242 pages, notes, tables and index, $5.00.)

"Is the ROTC, as we now have it, the best way to harness our civilian educational resources for [the] critical [military] manpower need of our federal government?" This question was discussed in a two-day conference at Dartmouth College in June, 1958, providing a jumping-off point for the authors of this study. After discussing the "nature and sources of officer requirements" the authors trace the history of the ROTC and its current problems and evaluate suggested changes, including changes in curricula.

PROPAGANDA ANALYSIS. A Study of Inferences Made from Nazi Propaganda in World War II. By Alexander L. George. (Evanston: Row, Peterson and Company, 1959. 270 pages, appendices and index, $6.00.)

During World War II our Federal Communications Commission's Foreign Broadcast Intelligence Service (F.B.I.S.) monitored and analyzed the broadcasts of German propaganda as part of an effort to sort out useful information for American military and political leaders. How successful was the resulting science of propaganda analysis? According to this Rand Corporation research study, "approximately 80 per cent of the F.C.C. inferences turned out to be accurate on the basis of an exacting validation procedure." This is a book for the specialist in the field of political propaganda or communications.

Current Documents

The Supreme Court Upholds Congressional Investigation of Communism in Education

On June 8, 1959, the Supreme Court ruled 5 to 4 that Congress could investigate Communist influence on education, and affirmed the conviction of Lloyd Barenblatt for contempt, because he refused "to answer questions relating to his participation in or knowledge of alleged Communist Party activities at educational institutions in this country. . . ." Major portions of this decision, *Barenblatt* v. *U.S.*, and the dissenting opinions, are reprinted here.

THE BARENBLATT CASE

Once more the Court is required to resolve the conflicting constitutional claims of congressional power and of an individual's right to resist its exercise. The congressional power in question concerns the internal process of Congress in moving within its legislative domain; it involves the utilization of its committees to secure "testimony needed to enable it efficiently to exercise a legislative function belonging to it under the Constitution." . . . The power of inquiry has been employed by Congress throughout our history, over the whole range of the national interests concerning which Congress might legislate or decide upon due investigation not to legislate; it has similarly been utilized in determining what to appropriate from the national purse, or whether to appropriate. The scope of the power of inquiry, in short, is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.

Broad as it is, the power is not, however, without limitations. Since Congress may only investigate into those areas in which it may potentially legislate or appropriate, it cannot inquire into matters which are within the exclusive province of one or the other branch of the Government. Lacking the judicial power given to the Judiciary, it cannot inquire into matters that are exclusively the concern of the Judiciary. Neither can it supplant the Executive in what exclusively belongs to the Executive. And the Congress, in common with all branches of the Government, must exercise its powers subject to the limitations placed by the Constitution on governmental action, more particularly in the context of this case the relevant limitations of the Bill of Rights.

The congressional power of inquiry, its range and scope, and an individual's duty in relation to it, must be viewed in proper perspective. . . . The power and the right of resistance to it are to be judged in the concrete, not on the basis of abstractions. In the present case congressional efforts to learn the extent of a nationwide, indeed worldwide, problem have brought one of its investigating committees into the field of education. Of course, broadly viewed, inquiries cannot be made into the teaching that is pursued in any of our educational institutions. When academic teaching-freedom and its corollary learning-freedom, so essential to the well-being of the Nation, are claimed, this Court will always be on the alert against intrusion by Congress into this constitutionally protected domain. But this does not mean that the Congress is precluded from interrogating a witness merely because he is a teacher. An educational institution is not a constitutional sanctuary from inquiry into matters that may otherwise be within the constitutional legislative domain merely for the reason that inquiry is made of someone within its walls.

In the setting of this framework of constitutional history, practice and legal precedents, we turn to the particularities of this case.

We here review petitioner's conviction under 2 U.S.C. § 192[1] for contempt of Con-

[1] "Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any com-

gress, arising from his refusal to answer certain questions put to him by a Subcommittee of the House Committee on Un-American Activities during the course of an inquiry concerning alleged Communist infiltration into the field of education.

The case is before us for the second time. Petitioner's conviction was originally affirmed in 1957 by a unanimous panel of the Court of Appeals, 240 F. 2d 875. This Court granted certiorari, 354 U.S. 930, vacated the judgment of the Court of Appeals, and remanded the case to that court for further consideration in light of *Watkins* v. *United States,* 354 U.S. 178, which had reversed a contempt of Congress conviction, and which was decided after the Court of Appeals' decision here had issued. Thereafter the Court of Appeals, sitting *en banc,* reaffirmed the conviction by a divided court. 252 F. 2d 129. We again granted certiorari, 356 U.S. 929, to consider petitioner's statutory and constitutional challenges to his conviction, and particularly his claim that the judgment below cannot stand under our decision in the *Watkins* case.

Pursuant to a subpoena, and accompanied by counsel, petitioner on June 28, 1954, appeared as a witness before this congressional Subcommittee. After answering a few preliminary questions and testifying that he had been a graduate student and teaching fellow at the University of Michigan from 1947 to 1950 and an instructor in psychology at Vassar College from 1950 to shortly before his appearance before the Subcommittee, petitioner objected generally to the right of the Subcommittee to inquire into his "political" and "religious" beliefs or any "other personal and private affairs" or "associational activities," upon grounds set forth in a previously prepared memorandum which he was allowed to file with the Subcommittee. Thereafter petitioner specifically declined to answer each of the following five questions:

> "Are you now a member of the Communist Party? (Count One.)
>
> "Have you ever been a member of the Communist Party? (Count Two.)
>
> "Now, you have stated that you knew Francis Crowley. Did you know Francis Crowley as a member of the Communist Party? (Count Three.)
>
> "Were you ever a member of the Haldane Club of the Communist Party while at the University of Michigan? (Count Four.)
>
> "Were you a member while a student of the University of Michigan Council of Arts, Sciences, and Professions?" (Count Five.)

In each instance the grounds of refusal were those set forth in the prepared statement. Petitioner expressly disclaimed reliance upon "the Fifth Amendment."[2]

. . . As we conceive [it] the ultimate issue in this case . . . [is] whether petitioner could properly be convicted of contempt for refusing to answer questions relating to his participation in or knowledge of alleged Communist Party activities at educational institutions in this country. . . .

Petitioner's various contentions resolve themselves into three propositions: First, the compelling of testimony by the Subcommittee was neither legislatively authorized nor constitutionally permissible because of the vagueness of Rule XI of the House of Representatives, Eighty-third Congress, the charter of authority of the parent Committee. Second, petitioner was not adequately apprised of the pertinency of the Subcommittee's questions to the subject matter of the inquiry. Third, the questions petitioner refused to answer infringed rights protected by the First Amendment.

Subcommittee's Authority to Compel Testimony

At the outset it should be noted that Rule XI authorized this Subcommittee to compel testimony within the framework of the investigative authority conferred on the Un-American Activities Committee.[3] Petitioner contends that *Watkins* v. *United States,*

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mittee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months."

[2] We take this to mean the privilege against self-incrimination.

[3] "The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American progaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation." H. Res. 5, 83d Cong., 1st Sess., 99 Cong. Rec. 15, 18, 24. The Rule remains current in the same form. H. Res. 7, 86th Cong., 1st Sess., Cong. Rec., Jan. 7, 1959, p. 13.

supra, nevertheless held the grant of this power in all circumstances ineffective because of the vagueness of Rule XI in delineating the Committee jurisdiction to which its exercise was to be appurtenant. This view of *Watkins* was accepted by two of the dissenting judges below.

The *Watkins* case cannot properly be read as standing for such a proposition. A principal contention in *Watkins* was that the refusals to answer were justified because the requirement of 2 U.S.C. § 192 that the questions asked be "pertinent to the question under inquiry" had not been satisfied. This Court reversed the conviction solely on that ground, holding that Watkins had not been adequately apprised of the subject matter of the Subcommittee's investigation or the pertinency thereto of the questions he refused to answer. In so deciding the Court drew upon Rule XI only as one of the facts in the total *mise en scène* in its search for the "question under inquiry" in that particular investigation. The Court, in other words, was not dealing with Rule XI at large, and indeed in effect stated that no such issue was before it. . . .

Petitioner also contends, independently of *Watkins,* that the vagueness of Rule XI deprived the Subcommittee of the right to compel testimony in this investigation into Communist activity. We cannot agree with this contention, which in its furthest reach would mean that the House Un-American Activities Committee under its existing authority has no right to compel testimony in any circumstances. Granting the vagueness of the Rule, we may not read it in isolation from its long history in the House of Representatives. . . . The Rule comes to us with a "persuasive gloss of legislative history," *United States* v. *Witkovich,* which shows beyond doubt that in pursuance of its legislative concerns in the domain of "national security" the House has clothed the Un-American Activities Committee with pervasive authority to investigate Communist activities in this country.

The essence of that history can be briefly stated. The Un-American Activities Committee, originally known as the Dies Committee, was first established by the House in 1938. The Committee was principally a consequence of concern over the activities of the German-American Bund, whose members were suspected of allegiance to Hitler Germany, and of the Communist Party, supposed by many to be under the domination of the Soviet Union. From the beginning, without interruption to the present time, and with the undoubted knowledge and approval of the House, the Committee has devoted a major part of its energies to the investigation of Communist activities. More particularly, in 1947 the Committee announced a wide-range program in this field, pursuant to which during the years 1948 to 1952 it conducted diverse inquiries into such alleged Communist activities as espionage; efforts to learn atom bomb secrets; infiltration into labor, farmer, veteran, professional, youth, and motion picture groups; and in addition held a number of hearings upon various legislative proposals to curb Communist activities.

In the context of these unremitting pursuits, the House has steadily continued the life of the Committee at the commencement of each new Congress; it has never narrowed the powers of the Committee, whose authority has remained throughout identical with that contained in Rule XI; and it has continuingly supported the Committee's activities with substantial appropriations. Beyond this, the Committee was raised to the level of a standing committee of the House in 1945, it having been but a special committee prior to that time.

In light of this long and illuminating history it can hardly be seriously argued that the investigation of Communist activities generally, and the attendant use of compulsory process, was (sic.) beyond the purview of the Committee's intended authority under Rule XI.

We are urged, however, to construe Rule XI so as at least to exclude the field of education from the Committe's compulsory authority. Two of the four dissenting judges below relied entirely, the other two alternatively, on this ground. The contention is premised on the course we took in *United States* v. *Rumely,* 345 U.S. 41, where in order to avoid constitutional issues we construed narrowly the authority of the congressional committee there involved. We cannot follow that route here for this is not a case where Rule XI has to "speak for itself,

since Congress put no gloss upon it at the time of its passage," nor one where the subsequent history of the Rule has the "infirmity of *post litem motam,* self serving declarations."

To the contrary, the legislative gloss on Rule XI is again compelling. Not only is there no indication that the House ever viewed the field of education as being outside the Committee's authority under Rule XI, but the legislative history affirmatively evinces House approval of this phase of the Committee's work. During the first year of its activities, 1938, the Committee heard testimony on alleged Communist activities at Brooklyn College, N.Y. The following year it conducted similar hearings relating to the American Student Union and the Teachers Union. The field of "Communist influences in education" was one of the items contained in the Committee's 1947 program. Other investigations including education took place in 1952 and 1953. And in 1953, after the Committee had instituted the investigation involved in this case, the desirability of investigating Communism in education was specifically discussed during consideration of its appropriation for that year, which after controversial debate was approved.[4]

In this framework of the Committee's history we must conclude that its legislative authority to conduct the inquiry presently under consideration is unassailable, and that independently of whatever bearing the broad scope of Rule XI may have on the issue of "pertinency" in a given investigation into Communist activities, as in *Watkins,* the Rule cannot be said to be constitutionally infirm on the score of vagueness. The constitutional permissibility of that authority otherwise is a matter to be discussed later.

Pertinency Claim

Undeniably a conviction for contempt under 2 U.S.C. § 192 cannot stand unless the questions asked are pertinent to the subject matter of the investigation. *Watkins* v. *United States, supra,* at 214–215. But the factors which led us to rest decision on this ground in *Watkins* were very different from those involved here.

In *Watkins* the petitioner had made specific objection to the Subcommittee's questions on the ground of pertinency; the question under inquiry had not been disclosed in any illuminating manner; and the questions asked the petitioner were not only amorphous on their face, but in some instances clearly foreign to the alleged subject matter of the investigation—"Communism in labor."

In contrast, petitioner in the case before us raised no objections on the ground of pertinency at the time any of the questions were put to him. It is true that the memorandum which petitioner brought with him to the Subcommittee hearing contained the statement, "to ask me whether I am or have been a member of the Communist Party may have dire consequences. I might wish to . . . challenge the pertinency of the question to the investigation," and at another point quoted from this Court's opinion in *Jones* v. *Securities & Exchange Comm'n,* 298 U.S. 1, language relating to a witness' right to be informed of the pertinency of questions asked him by an administrative agency. . . .

We need not, however, rest decision on petitioner's failure to object on this score, for here "pertinency" was made to appear "with undisputable (sic.) clarity." First of all, it goes without saying that the scope of the Committee's authority was for the House, not a witness, to determine, subject to the ultimate reviewing responsibility of this Court. What we deal with here is whether petitioner was sufficiently apprised of "the topic under inquiry" thus authorized "and the connective reasoning whereby the precise questions asked relate[d] to it." In light of his prepared memorandum of constitutional objections there can be no doubt that this petitioner was well aware of the Subcommittee's authority and purpose to question him as it did. In addition the other sources of this information which we recognized in *Watkins* leave no room for a "pertinency" objection on this record. The subject matter of the inquiry had been identified at the commencement of

[4] In the course of that debate a member of the Un-American Activities Committee, Representative Jackson, commented: "So far as education is concerned, if the American educators, and if the gentlemen who are objecting to the investigation of communism and Communists in education, will recognize a valid distinction, I want to point out this is not a blunderbuss approach to the problem of communism in education. We are not interested in textbooks. We are not interested in the classroom operations of the universities. We are interested instead in finding out who the Communists are and what they are doing to further the Communist conspiracy. I may say in that connection that we have sworn testimony identifying individuals presently on the campuses of this country, men who have been identified under oath as one-time members of the Communist Party. Is there any Member of this body who would say we should not investigate this situation?" 83d Cong., 1st Sess., 99 Cong. Rec. 1360.

the investigation as Communist infiltration into the field of education. Just prior to petitioner's appearance before the Subcommittee, the scope of the day's hearings had been announced as "in the main communism in education and the experiences and background in the party by Francis X. T. Crowley. It will deal with activities in Michigan, Boston, and in some small degree, New York." Petitioner had heard the Subcommittee interrogate the witness Crowley along the same lines as he, petitioner, was evidently to be questioned, and had listened to Crowley's testimony identifying him as a former member of an alleged Communist student organization at the University of Michigan while they both were in attendance there. Further, petitioner had stood mute in the face of the Chairman's statement as to why he had been called as a witness by the Subcommittee. And, lastly, unlike *Watkins,* . . ., petitioner refused to answer questions as to his own Communist Party affiliations, whose pertinency of course was clear beyond doubt.

Petitioner's contentions on this aspect of the case cannot be sustained.

Constitutional Contentions

Our function, at this point, is purely one of constitutional adjudication in the particular case and upon the particular record before us, not to pass judgment upon the general wisdom or efficacy of the activities of this Committee in a vexing and complicated field.

The precise constitutional issue confronting us is whether the Subcommittee's inquiry into petitioner's past or present membership in the Communist Party transgressed the provisions of the First Amendment,[5] which of course reach and limit congressional investigations.

The Court's past cases establish sure guides to decision. Undeniably, the First Amendment in some circumstances protects an individual from being compelled to disclose his associational relationships. However, the protections of the First Amendment, unlike a proper claim of the privilege against self-incrimination under the Fifth Amendment, do not afford a witness the right to resist inquiry in all circumstances. Where First Amendment rights are asserted to bar governmental interrogation resolution of the issue always involves a balancing by the courts of the competing private and public interests at stake in the particular circumstances shown. These principles were recognized in the *Watkins* case, where, in speaking of the First Amendment in relation to congressional inquiries, we said:

> It is manifest that despite the adverse effects which follow upon compelled disclosure of private matters, not all such inquiries are barred. . . . The critical element is the existence of, and the weight to be ascribed to, the interest of the Congress in demanding disclosures from an unwilling witness.

. . . More recently in *National Association for the Advancement of Colored People* v. *Alabama,* 357 U.S. 449, 463–466, we applied the same principles in judging state action claimed to infringe rights of association assured by the Due Process Clause of the Fourteenth Amendment, and stated that the " 'subordinating interest of the State must be compelling' " in order to overcome the individual constitutional rights at stake. See *Sweezy* v. *New Hampshire,* 354 U.S. 234, 255, 265. . . .

The first question is whether this investigation was related to a valid legislative purpose, for Congress may not constitutionally require an individual to disclose his political relationships or other private affairs except in relation to such a purpose. . . .

That Congress has wide power to legislate in the field of Communist activity in this country, and to conduct appropriate investigations in aid thereof, is hardly debatable. The existence of such power has never been questioned by this Court, and it is sufficient to say, without particularization, that Congress has enacted or considered in this field a wide range of legislative measures, not a few of which have stemmed from recommendations of the very Committee whose actions have been drawn in question here. In the last analysis this power rests on the right of self-preservation, "the ultimate value of any society," *Dennis* v. *United States,* 341 U.S. 494, 509. Justification for its exercise in turn rests on the long and widely accepted view that the tenets of the Communist Party include the ultimate overthrow of the Government of the United States by force and

[5] "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

violence, a view which has been given formal expression by the Congress.

On these premises, this Court in its constitutional adjudications has consistently refused to view the Communist Party as an ordinary political party, and has upheld federal legislation aimed at the Communist problem which in a different context would certainly have raised constitutional issues of the gravest character. . . . On the same premises this Court has upheld under the Fourteenth Amendment state legislation requiring those occupying or seeking public office to disclaim knowing membership in any organization advocating overthrow of the Government by force and violence, which legislation none can avoid seeing was aimed at membership in the Communist Party. Similarly, in other areas, this Court has recognized the close nexus between the Communist Party and violent overthrow of government. See *Dennis* v. *U.S., supra; American Communications Assn.* v. *Douds,* [339 U.S. 382]. To suggest that because the Communist Party may also sponsor peaceable political reforms the constitutional issues before us should now be judged as if that Party were just an ordinary political party from the standpoint of national security is to ask this Court to blind itself to world affairs which have determined the whole course of our national policy since the close of World War II. . . .

We think that investigatory power in this domain is not to be denied Congress solely because the field of education is involved. Nothing in the prevailing opinions in *Sweezy* v. *New Hampshire, supra,* stands for a contrary view. The vice existing there was that the questioning of Sweezy, who had not been shown ever to have been connected with the Communist Party, as to the contents of a lecture he had given at the University of New Hampshire, and as to his connections with the Progressive Party, then on the ballot as a normal political party in some 26 States, was too far removed from the premises on which the constitutionality of the State's investigation had to depend to withstand attack under the Fourteenth Amendment. See the concurring opinion in *Sweezy, supra,* at 261, 265, 266, n. 3. This is a very different thing from inquiring into the extent to which the Communist Party has succeeded in infiltrating into our universities, or elsewhere, persons and groups committed to furthering the objective of overthrow. See Note 4, *supra.* Indeed we do not understand petitioner here to suggest that Congress in no circumstances may inquire into Communist activity in the field of education.[6] Rather, his position is in effect that this particular investigation was aimed not at the revolutionary aspects but at the theoretical classroom discussion of communism.

In our opinion this position rests on a too constricted view of the nature of the investigatory process, and is not supported by a fair assessment of the record before us. An investigation of advocacy of or preparation for overthrow certainly embraces the right to identify a witness as a member of the Communist Party, see *Barsky* v. *United States,* 167 F. 2d 241, and to inquire into the various manifestations of the Party's tenets. The strict requirements of a prosecution under the Smith Act, see *Dennis* v. *United States, supra,* and *Yates* v. *United States,* 354 U.S. 298, are not the measure of the permissible scope of a congressional investigation into "overthrow," for of necessity the investigatory process must proceed step by step. Nor can it fairly be concluded that this investigation was directed at controlling what is being taught at our universities rather than at overthrow. . . . And certainly the conclusion would not be justified that the questioning of petitioner would have exceeded permissible bounds had he not shut off the Subcommittee at the threshold.

Nor can we accept the further contention that this investigation should not be deemed to have been in furtherance of a legislative purpose because the true objective of the Committee and of the Congress was purely "exposure." So long as Congress acts in pursuance of its constitutional power, the judiciary lacks authority to intervene on the basis of the motives which spurred the exercise of that power. *Arizona* v. *California,* 283 U.S. 423, 455, and cases there cited.

[6] The *amicus* brief of the American Association of University Professors states at page 24: "The claims of academic freedom cannot be asserted unqualifiedly. The social interest it embodies is but one of a larger set, within which the interest in national self-preservation and in enlightened and well-informed law-making also prominently appear. When two major interests collide, as they do in the present case, neither the one nor the other can claim *a priori* supremacy. But it is in the nature of our system of laws that there must be demonstrable justification for an action by the Government which endangers or denies a freedom guaranteed by the Constitution."

"It is, of course true," as was said in *McCray* v. *United States,* 195 U.S. 27, 55, "that if there be no authority in the judiciary to restrain a lawful exercise of power by another department of the government, where a wrong motive or purpose has impelled to the exertion of the power, that abuses of a power conferred may be temporarily effectual. The remedy for this, however, lies, not in the abuse by the judicial authority of its functions, but in the people, upon whom, after all, under our institutions, reliance must be placed for the correction of abuses committed in the exercise of a lawful power." These principles of course apply as well to committee investigations into the need for legislation as to the enactments which such investigations may produce. . . . Certainly this is not a case like *Kilbourn* v. *Thompson,* 103 U.S. 168, 192, where

> the House of Representatives not only exceeded the limit of its own authority, but assumed a power which. . . was in its nature clearly judicial.

The constitutional legislative power of Congress in this instance is beyond question.

Finally, the record is barren of other factors which in themselves might sometimes lead to the conclusion that the individual interests at stake were not subordinate to those of the state. There is no indication in this record that the Subcommittee was attempting to pillory witnesses. Nor did petitioner's appearance as a witness follow from indiscriminate dragnet procedures, lacking in probable cause for belief that he possessed information which might be helpful to the Subcommittee. And the relevancy of the questions put to him by the Subcommittee is not open to doubt.

We conclude that the balance between the individual and the governmental interests here at stake must be struck in favor of the latter, and that therefore the provisions of the First Amendment have not been offended.

We hold that petitioner's conviction for contempt of Congress discloses no infirmity, and that the judgment of the Court of Appeals must be *Affirmed.*

Mr. Justice Black, with whom The Chief Justice, and Mr. Justice Douglas concur, dissenting.

On May 28, 1954, petitioner Lloyd Barenblatt, then 31 years old, and a teacher of psychology at Vassar College, was summoned to appear before a Subcommittee of the House Committee on Un-American Activities. After service of the summons, but before Barenblatt appeared on June 28, his four-year contract with Vassar expired and was not renewed. He, therefore, came to the Committee as a private citizen without a job. Earlier that day, the Committee's interest in Barenblatt had been aroused by the testimony of an ex-Communist named Crowley. . . . He . . . talked at length, identifying by name, address and occupation, whenever possible, people he claimed had been Communists. One of these was Barenblatt, who, according to Crowley, had been a Communist during 1947–1950 while a graduate student and teaching fellow at the University of Michigan. Though Crowley testified in great detail about the small group of Communists who had been at Michigan at that time and though the Committee was very satisfied with his testimony, it sought repetition of much of the information from Barenblatt. Barenblatt, however, refused to answer their questions and filed a long statement outlining his constitutional objections. He asserted that the Committee was violating the Constitution by abridging freedom of speech, thought, press, and association, and by conducting legislative trials of known or suspected Communists which trespassed on the exclusive power of the judiciary. He argued that however he answered questions relating to membership in the Communist Party his position in society and his ability to earn a living would be seriously jeopardized; that he would, in effect, be subjected to a bill of attainder despite the twice-expressed constitutional mandate against such legislative punishments. This would occur, he pointed out, even if he did no more than invoke the protection of clearly applicable provisions of the Bill of Rights as a reason for refusing to answer.

He repeated these, and other objections, in the District Court as a reason for dismissing an indictment for contempt of Congress. . . . The Court today affirms, and thereby sanctions the use of the contempt power to enforce questioning by congressional committees in the realm of speech and association. I cannot agree with this disposition of the

case for I believe that the resolution establishing the House Un-American Activities Committee and the questions that Committee asked Barenblatt violate the Constitution in several respects. (1) Rule XI creating the Committee authorizes such a sweeping, unlimited, all-inclusive and undiscriminating compulsory examination of witnesses in the field of speech, press, petition and assembly that it violates the procedural requirements of the Due Process Clause of the Fifth Amendment. (2) Compelling an answer to the questions asked Barenblatt abridges freedom of speech and association in contravention of the First Amendment. (3) The Committee proceedings were part of a legislative program to stigmatize and punish by public identification and exposure all witnesses considered by the Committee to be guilty of Communist affiliations, as well as all witnesses who refused to answer Committee questions on constitutional grounds; the Committee was thus improperly seeking to try, convict, and punish suspects, a task which the Constitution expressly denies to Congress and grants exclusively to the courts, to be exercised by them only after indictment and in full compliance with all the safeguards provided by the Bill of Rights.

I

It goes without saying that a law to be valid must be clear enough to make its commands understandable. For obvious reasons, the standard of certainty required in criminal statutes is more exacting than in noncriminal statutes. This is simply because it would be unthinkable to convict a man for violating a law he could not understand. This Court has recognized that the stricter standard is as much required in criminal contempt cases as in all other criminal cases, and has emphasized that the "vice of vagueness" is especially pernicious where legislative power over an area involving speech, press, petition and assembly is involved. In this area the statement that a statute is void if it "attempts to cover so much that it effectively covers nothing," see *Musser* v. *Utah,* takes on double significance. For a statute broad enough to support infringement of speech, writings, thoughts and public assemblies, against the unequivocal command of the First Amendment necessarily leaves all persons to guess just what the law really means to cover, and fear of a wrong guess inevitably leads people to forego the very rights the Constitution sought to protect above all others. Vagueness becomes even more intolerable in this area if one accepts, as the Court today does, a balancing test to decide if First Amendment rights shall be protected. It is difficult at best to make a man guess—at the penalty of imprisonment—whether a court will consider the State's need for certain information superior to society's interest in unfettered freedom. It is unconscionable to make him choose between the right to keep silent and the need to speak when the statute supposedly establishing the "state's interest" is too vague to give him guidance.

Measured by the foregoing standards, Rule XI cannot support any conviction for refusal to testify. In substance it authorizes the Committee to compel witnesses to give evidence about all "un-American propaganda," whether instigated in this country or abroad. The word "propaganda" seems to mean anything that people say, write, think, or associate together about. The term "un-American" is equally vague. . . .

The Court—while not denying the vagueness of Rule XI—nevertheless defends its application here because the questions asked concerned communism, a subject of investigation which had been reported to the House by the Committee on numerous occasions. If the issue were merely whether Congress intended to allow an investigation of communism, or even of communism in education, it may well be that we could hold the data cited by the Court sufficient to support a finding of intent. But that is expressly not the issue. On the Court's own test, the issue is whether Barenblatt can know with sufficient certainty, at the time of his interrogation, that there is so compelling a need for his replies that infringement of his rights of free association is justified. The record does not disclose where Barenblatt can find what that need is. There is certainly no clear congressional statement of it in Rule XI. Perhaps if Barenblatt had had time to read all the reports of the Committee to the House, and in addition had examined the appropriations made to the Committee he, like the Court, could have discerned an intent by Congress to allow an investigation of com-

munism in education. Even so he would be hard put to decide what the need for this investigation is since Congress expressed it neither when it enacted Rule XI nor when it acquiesced in the Committee's assertions of power. Yet it is knowledge of this need—what is wanted from him and why it is wanted—that a witness must have if he is to be in a position to comply with the Court's rule that he balance individual rights against the requirements of the State. I cannot see how that knowledge can exist under Rule XI.

But even if Barenblatt could evaluate the importance to the Government of the information sought, Rule XI would still be too broad to support his conviction. For we are dealing here with governmental procedures which the Court itself admits reach to the very fringes of congressional power. In such cases more is required of legislatures than a vague delegation to be filled in later by mute acquiescence. If Congress wants ideas investigated, if it even wants them investigated in the field of education, it must be prepared to say so expressly and unequivocally. And it is not enough that a court through exhaustive research can establish, even conclusively, that Congress wished to allow the investigation. I can find no such unequivocal statement here.

For all these reasons, I would hold that Rule XI is too broad to be meaningful and cannot support petitioner's conviction.

II

The First Amendment says in no equivocal language that Congress shall pass no law abridging freedom of speech, press, assembly or petition. The activities of this Committee, authorized by Congress, do precisely that, through exposure, obloquy and public scorn. . . . The Court does not really deny this fact but relies on a combination of three reasons for permitting the infringement: (A) The notion that despite the First Amendment's command Congress can abridge speech and association if this Court decides that the governmental interest in abridging speech is greater than an individual's interest in exercising that freedom, (B) the Government's right to "preserve itself," (C) the fact that the Committee is only after Communists or suspected Communists in this investigation.

(A) I do not agree that laws directly abridging First Amendment freedoms can be justified by a congressional or judicial balancing process. There are, of course, cases suggesting that a law which primarily regulates conduct but which might also indirectly affect speech can be upheld if the effect on speech is minor in relation to the need for control of the conduct. With these cases I agree. . . . But we did not in *Schneider* [v. *Irvington,* 308 U.S. 147], any more than in *Cantwell* [v. *Connecticut,* 310 U.S. 296], even remotely suggest that a law directly aimed at curtailing speech and political persuasion could be saved through a balancing process. Neither these cases, nor any others, can be read as allowing legislative bodies to pass laws abridging freedom of speech, press and association merely because of hostility to views peacefully expressed in a place where the speaker had a right to be. Rule XI, on its face and as here applied, since it attempts inquiry into beliefs, not action—ideas and associations, not conduct, does just that.

To apply the Court's balancing test under such circumstances is to read the First Amendment to say "Congress shall pass no law abridging freedom of speech, press, assembly and petition, unless Congress and the Supreme Court reach the joint conclusion that on balance the interests of the Government in stifling these freedoms is greater than the interest of the people in having them exercised." This is closely akin to the notion that neither the First Amendment nor any other provision of the Bill of Rights should be enforced unless the Court believes it is *reasonable* to do so. Not only does this violate the genius of our *written* Constitution, but it runs expressly counter to the injunction to Court and Congress made by Madison when he introduced the Bill of Rights. . . .

But even assuming what I cannot assume, that some balancing is proper in this case, I feel that the Court after stating the test ignores it completely. At most it balances the right of the Government to preserve itself, against Barenblatt's right to refrain from revealing Communist affiliations. Such a balance, however, mistakes the factor to be weighed. In the first place, it completely leaves out the real interest in Barenblatt's silence, the interest of the people as a whole in being able to join organizations, advocate causes and make political "mistakes" with-

out later being subjected to governmental penalties for having dared to think for themselves. It is this right to err politically, which keeps us strong as a Nation. For no number of laws against communism can have as much effect as the personal conviction which comes from having heard its arguments and rejected them, or from having once accepted its tenets and later recognized their worthlessness. Instead, the obloquy which results from investigations such as this not only stifles "mistakes" but prevents all but the most courageous from hazarding any views which might at some later time become disfavored. This result, whose importance cannot be overestimated, is doubly crucial when it affects the universities, on which we must largely rely for the experimentation and development of new ideas essential to our country's welfare. It is these interests of society, rather than Barenblatt's own right to silence, which I think the Court should put on the balance against the demands of the Government, if any balancing process is to be tolerated. Instead they are not mentioned, while on the other side the demands of the Government are vastly overstated and called "self preservation." It is admitted that this Committee can only seek information for the purpose of suggesting laws, and that Congress' power to make laws in the realm of speech and association is quite limited, even on the Court's test. Its interest in making such laws in the field of education, primarily a state function, is clearly narrower still. Yet the Court styles this attenuated interest self-preservation and allows it to overcome the need our country has to let us all think, speak, and associate politically as we like and without fear of reprisal. Such a result reduces "balancing" to a mere play on words. . . .

(B) Moreover, I cannot agree with the Court's notion that First Amendment freedoms must be abridged in order to "preserve" our country. That notion rests on the unarticulated premise that this Nation's security hangs upon its power to punish people because of what they think, speak or write about, or because of those with whom they associate for political purposes. The Government, in its brief, virtually admits this position when it speaks of the "communication of unlawful ideas." I challenge this premise, and deny that ideas can be proscribed under our Constitution. I agree that despotic governments cannot exist without stifling the voice of opposition to their oppressive practices. The First Amendment means to me, however, that the only constitutional way our Government can preserve itself is to leave its people the fullest possible freedom to praise, criticize or discuss, as they see fit, all governmental policies and to suggest, if they desire, that even its most fundamental postulates are bad and should be changed. . . .

(C) The Court implies, however, that the ordinary rules and requirements of the Constitution do not apply because the Committee is merely after Communists and they do not constitute a political party but only a criminal gang. "[T]he long and widely accepted view," the Court says, is "that the tenets of the Communist Party include the ultimate overthrow of the Government of the United States by force and violence." This justifies the investigation undertaken. By accepting this charge and allowing it to support treatment of the Communist Party and its members which would violate the Constitution if aplied to other groups, the Court, in effect, declares that Party outlawed. It has been only a few years since there was a practically unanimous feeling throughout the country and in our courts that this could not be done in our free land. Of course it has always been recognized that members of the Party who, either individually or in combination, commit acts in violation of valid laws can be prosecuted. But the Party as a whole and innocent members of it could not be attainted merely because it had some illegal aims and because some of its members were lawbreakers. . . .

. . . No matter how often or how quickly we repeat the claim that the Communist Party is not a political party, we cannot outlaw it, as a group, without endangering the liberty of all of us. The reason is not hard to find, for mixed among those aims of communism which are illegal are perfectly normal political and social goals. And muddled with its revolutionary tenets is a drive to achieve power through the ballot, if it can be done. These things necessarily make it a political party whatever other illegal aims it may have. . . . Significantly until recently the Communist Party was on the ballot in many

States. When that was so, many Communists undoubtedly hoped to accomplish its lawful goals through support of Communist candidates. Even now some such may still remain. To attribute to them, and to those who have left the Party, the taint of the group is to ignore both our traditions that guilt like belief is "personal and not a matter of mere association" and the obvious fact that "men adhering to a political party or other organization notoriously do not subscribe unqualifiedly to all of its platforms or asserted principles."

The fact is that once we allow any group which has some political aims or ideas to be driven from the ballot and from the battle for men's minds because some of its members are bad and some of its tenets are illegal, no group is safe. Today we deal with Communists or suspected Communists. In 1920, instead, the New York Assembly suspended duly elected legislators on the ground that, being Socialists, they were disloyal to the country's principles. In the 1830's the Masons were hunted as outlaws and subversives, and abolitionists were considered revolutionaries of the most dangerous kind in both North and South. Earlier still, at the time of the universally unlamented alien and sedition laws, Thomas Jefferson's party was attacked and its members were derisively called "Jacobins." Fisher Ames described the party as a "French faction" guilty of "subversion" and "officered, regimented and formed to subordination." Its members, he claimed, intended to "take arms against the laws as soon as they dare." History should teach us then, that in times of high emotional excitement minority parties and groups which advocate extremely unpopular social or governmental innovations will always be typed as criminal gangs and attempts will always be made to drive them out. It was knowledge of this fact and of its great dangers, that caused the Founders of our land to enact the First Amendment as a guarantee that neither Congress nor the people would do anything to hinder or destroy the capacity of individuals and groups to seek converts and votes for any cause, however radical or unpalatable their principles might seem under the accepted notions of the time. Whatever the States were left free to do, the First Amendment sought to leave Congress devoid of any kind or quality of power to direct any type of national laws against the freedom of individuals to think what they please, advocate whatever policy they choose, and join with others to bring about the social, religious, political and governmental changes which seem best to them. Today's holding, in my judgment, marks another major step in the progressively increasing retreat from the safeguards of the First Amendment.

It is, sadly, no answer to say that this Court will not allow the trend to overwhelm us; that today's holding will be strictly confined to "Communists," as the Court's language implies. . . . "[W]hile this Court sits," the Court proclaimed [in *American Communications Assn.* v. *Douds*, 339 U.S. 382], no wholesale proscription of Communists or their Party can occur. . . . I dissented and . . . My prediction was all too accurate. Today, Communists or suspected Communists have been denied an opportunity to work as government employees, lawyers, doctors, teachers, pharmacists, veterinarians, subway conductors, industrial workers and in just about any other job. . . . In today's holding they are singled out and, as a class, are subjected to inquisitions which the Court suggests would be unconstitutional but for the fact of "Communism." Nevertheless, this Court still sits!

III

Finally, I think Barenblatt's conviction violates the Constitution because the chief aim, purpose and practice of the House Un-American Activities Committee, as disclosed by its many reports, is to try witnesses and punish them because they are or have been Communists or because they refuse to admit or deny Communist affiliations. The punishment imposed is generally punishment by humiliation and public shame. There is nothing strange or novel about this kind of punishment. It is in fact one of the oldest forms of governmental punishment known to mankind; branding, the pillory, ostracism and subjection to public hatred being but a few examples of it. . . .

The Un-American Activities Committee was created in 1938. It immediately conceived of its function on a grand scale as one of ferreting out "subversives" and especially

of having them removed from government jobs. . . stating that its "effect was to inflict punishment without the safeguards of a judicial trial" and that this "cannot be done either by a State or by the United States." 328 U.S., at 316–317.

Even after our . . . holding [in *United States* v. *Lovett*, 328 U.S. 303 (1946)], however, the Committee continued to view itself as the "only agency of government that has the power of exposure," and to work unceasingly and sincerely to identify and expose all suspected Communists and "subversives" in order to eliminate them from virtually all fields of employment. How well it has succeeded in its declared program of "pitiless publicity and exposure" is a matter of public record. . . . Thus, in 1949, the Committee reported that it had indexed and printed some 335,000 names of people who had signed "Communist" petitions of one kind or another. All this the Committee did and does to punish by exposure the many phases of "un-American" activities that it reports cannot be reached by legislation, by administrative action, or by any other agency of Government, which, of course, includes the courts.

. . . Similarly, as a result of its Michigan investigation, the Committee called upon American labor unions to amend their constitutions, if necessary, in order to deny membership to any Communist Party member. This would, of course, prevent many workers from getting or holding the only kind of jobs their particular skills qualified them for. The Court, today, barely mentions these statements, which, especially when read in context of past reports by the Committee, show unmistakably what the Committee was doing. I cannot understand why these reports are deemed relevant to a determination of a congressional intent to investigate communism in education, but irrelevant to any finding of congressional intent to bring about exposure for its own sake or for the purposes of punishment.

I do not question the Committee's patriotism and sincerity in doing all this. I merely feel that it cannot be done by Congress under our Constitution. For, even assuming that the Federal Government can compel witnesses to testify as to Communist affiliations in order to subject them to ridicule and social and economic retaliation, I cannot agree that this is a legislative function. . . . Thus if communism is to be made a crime, and Communists are to be subjected to "pains and penalties," I would still hold this conviction bad, for the crime of communism, like all others, can be punished only by court and jury after a trial with all judicial safeguards.

. . . The Court today fails to see what is here for all to see—that exposure and punishment is the aim of this Committee and the reason for its existence. To deny this aim is to ignore the Committee's own claims and the reports it has issued ever since it was established. I cannot believe that the nature of our judicial office requires us to be so blind, and must conclude that the Un-American Activities Committee's "identification" and "exposure" of Communists and suspected Communists, like the activities of the Committee in *Kilbourn* v. *Thompson*, amount to an encroachment on the judiciary which bodes ill for the liberties of the people of this land.

Ultimately all the questions in this case really boil down to one—whether we as a people will try fearfully and futilely to preserve Democracy by adopting totalitarian methods, or whether in accordance with our traditions and our Constitution we will have the confidence and courage to be free.

I would reverse this conviction.

Mr. Justice Brennan, dissenting.

I would reverse this conviction. It is sufficient that I state my complete agreement with my Brother Black that no purpose for the investigation of Barenblatt is revealed by the record except exposure purely for the sake of exposure. This is not a purpose to which Barenblatt's rights under the First Amendment can validly be subordinated. An investigation in which the processes of law-making and law-evaluating are submerged entirely in exposure of individual behavior—in adjudication, of a sort, through the exposure process—is outside the constitutional pale of congressional inquiry. *Watkins* v. *United States*, 354 U.S. 178, 187, 200; see also *Sweezy* v. *New Hampshire*, 354 U.S. 234; *NAACP* v. *Alabama*, 357 U.S. 449; *Uphaus* v. *Wyman*, — U.S. —, — (dissenting opinion).

A CURRENT HISTORY Chronology covering the most important events of June, 1959, to provide a day-by-day summary of world affairs.

The Month in Review

INTERNATIONAL

Arab League

June 23—It is revealed in Cairo that six members of the Arab League—Jordan, Lebanon, Saudi Arabia, the Sudan, the United Arab Republic and Yemen have arranged an extraordinary meeting of their foreign ministers to consider the problem of Israel and the Suez, Jewish immigration and other problems.

June 27—After a 3-month boycott, Iraq's chargé d'affaires in Cairo indicates that Iraq will send a representative to the coming foreign ministers' meeting of the Arab League.

Berlin Crisis, The

June 2—The foreign ministers meeting remains deadlocked; Soviet Foreign Minister Andrei A. Gromyko concedes the legality of Western troops in West Berlin. The Soviet minister speaks about changing Berlin's occupation status, and is unconcerned about Allied fears to maintain access to the city.

June 3—U.S. President Dwight D. Eisenhower declares that no satisfactory progress at Geneva talks has been made which would "justify" a summit conference.

June 4—Gromyko tells the Allied powers that he cannot guarantee access to Berlin until an agreement has been reached on a new status for this city. The Soviet Union insists on a free city of Berlin, demilitarized, or garrisoned with a token force of British, French, U.S. and Soviet troops, or four power withdrawal and the stationing of neutral forces there.

June 5—The U.S. Secretary of State Christian A. Herter accuses the Soviet Union of conducting subversive and espionage activities in East Berlin. Gromyko retaliates by charging that West Berlin carries on the same activities against East Germany. British Foreign Secretary Selwyn Lloyd rejects the Soviet proposal for removal of Allied troops from West Berlin, or for allowing Soviet forces to be included with Allied troops garrisoning the city. Gromyko asks for further discussion of two Allied proposals: (1) for a 4-power agreement to settle disputes without the use of force and (2) for limiting foreign troops in a reunited Germany.

June 8—The Allies present a 5-point statement elaborating their proposals for a Berlin and German settlement: (1) respect for Western rights in Berlin; (2) investigation of charges of subversion in East and West Berlin by a commission composed of the Big Four plus representatives from East and West Berlin; (3) a ceiling on Western troops in Berlin; (4) Big Four guarantees to keep access lines between Berlin and West Germany functioning; and (5) the above arrangements to remain in force until German unification is achieved.

June 10—The Soviet Union offers to extend Western rights in Berlin for one year if the Western powers would "agree to Soviet conditions." If the Western powers should prevent a German settlement within a year, the U.S.S.R. would sign a separate peace treaty with East Germany. U.S. Secretary Herter rejects the proposal, which the Russians say is not an ultimatum, but a basis for negotiation.

June 11—Gromyko is informed by the Western powers that the Geneva talks will end unsuccessfully, without hopes for a summit conference, unless the Soviet Minister is willing to withdraw his latest "threats" for a Berlin agreement.

Soviet Premier Nikita S. Khrushchev in Moscow criticizes the Allied stand at the Geneva meetings.

June 12—Gromyko asserts that he will never agree to any settlement perpetuating the occupation status of Berlin.

June 15—Gromyko refuses Western urgings to negotiate on his proposal to extend Allied rights in Berlin for 12 months while

an all-German committee sets up the basis for reunification and a German peace treaty.

June 16—The Western powers' final draft proposals for a Berlin agreement are presented to Soviet Minister Gromyko.

June 19—Premier Khrushchev declares that he is willing to attend a summit conference, but that he will never concede to maintaining the occupation of Germany and Berlin.

The Big Four foreign ministers agree to recess the deadlocked Geneva talks (after 41 days) until July 13.

June 20—West Germany is pressing for summit talks with French, German, British and U.S. leaders before the Geneva conferees meet again.

The U.S. Department of State issues a declaration that it stands firmly behind its determination to maintain Western rights in Berlin.

June 21—Herter returns to Washington regretful that no agreement has been reached in Geneva.

June 28—Soviet Minister Gromyko, in a statement reaffirming the Soviet position towards Germany and West Berlin, asserts that one of the "important successes" of the Geneva talks is Western *de facto* recognition of the East German government.

June 30—U.S. government sources reveal that Italy will be invited to an Allied planning session with British, French, U.S. and West German foreign ministers prior to the resumption of the Geneva talks.

Disarmament

June 22—British, American and Russian specialists meet in Geneva to study detection of high altitude nuclear tests.

At the hundredth conference between American, Russian and British delegates at Geneva on nuclear test bans, various concessions are made by each side but each finds one another's unacceptable.

June 23—The U.S.S.R. promises clarification of its quota plan for inspection of nuclear tests.

June 25—The U.S.S.R. again suggests a nuclear-free zone in the Balkans and the Adriatic area.

International Labor Conference

June 3—The International Labor Organization commences its forty-third conference.

June 8—The International Labor Conference votes 137 to 112 with 12 abstentions to allow Communist employer delegates to be represented on its committees.

June 22—Voting 145 to 70 with 38 abstentions, the International Labor Conference refuses to seat a 6-man Hungarian government delegation.

June 25—As the session closes, U.S. employer delegate Cola G. Parker criticizes the forty-third session of the I.L.O. because it allowed Communist employers representation on committees.

Nato

June 5—Members of the 15-nation North Atlantic alliance open a six-day meeting of some 600 unofficial delegates in London. Queen Elizabeth II of England addresses the delegates.

June 6—The Supreme Allied Commander for Europe, General Lauris Norstad, warns the Atlantic Congress of the danger of starting a war by mistake.

June 9—French General Pierre Billotte's suggestion that Nato turn to global military strategy is rejected by the Atlantic Congress.

June 10—The Atlantic Congress asks for a strengthening of the Nato alliance, greater cooperation and a joint program of economic aid for underdeveloped areas, at the close of a six-day meeting.

June 25—Italy suggests that Nato's foreign ministers should meet before the Geneva foreign ministers conference resumes meetings July 13.

West Europe

June 12—U.S. President Eisenhower tells the presidents of three European economic and scientific alliances that the U.S. will continue to support them and that he approves European Community projects. The three leaders have been visiting in Washington.

ALBANIA

June 2—East German Premier Otto Grotewohl meets with Soviet Premier Nikita S. Khrushchev for a tour of an Albanian state farm. Communist Chinese Defense Minister Peng Teh-huai departs.

ARGENTINA

June 19—President Arturo Frondizi, with the support of the military, tries to quell an armed conspiracy by retired military leaders involved in the anti-Peron uprising of 1955.

June 21—Frondizi confers with his advisers on how to handle rebels and Peronists, who accuse Frondizi of not living up to his part of the electoral agreement.

June 22—Under pressure from the armed forces who put down the threatened uprising, Frondizi accepts the resignations of all Cabinet members, except his three military secretaries. Leaders of the armed services declare that only major governmental changes can preserve peace.

June 24—The key Ministry of the Economy is given to a staunch defender of free enterprise, Alvaro C. Alsogaray.

June 30—Major General Hector Solanas Pacheco, Secretary of War and Army Chief, resigns rather than deal with 11 rebel officers led by Lieutenant General Arturo Ossorio.

AUSTRIA

June 9—The National Assembly elects Dr. Leopold Figl president.

June 12—Chancellor Julius Raab offers the powerful Ministry of Finance to the Socialists if they will agree to a Coalition government. The Socialists agree and appoint Bruno Kreisky to this post.

June 15—The Executive Committee of Raab's Conservative party withdraws the finance ministry offer made to the Socialists.

BELGIUM

June 1—King Baudouin returns to Belgium after a 3-week visit to the U.S.

June 20—The International Court of Justice awards Belgium a 30-acre piece of land inside the Netherlands' boundaries, thus ending a 120-year dispute.

Belgian Congo

June 13—Belgian Minister for the Congo Maurice Van Hemelryjk, on a tour through the area, is pelted by Europeans and applauded by Congolese.

BRAZIL

June 11—The U.S. is reported ready to relax Brazil's payments on former loans, but not to advance any "new money" to meet the $300 million deficit until Brazil establishes a stabilization program.

BRITISH COMMONWEALTH, THE

Australia

June 19—Prime Minister Robert Gordon Menzies talks to French Premier Charles de Gaulle in Paris.

Canada

June 4—Howard Green is named Minister for External Affairs.

June 12—In Ontario, Premier Leslie Frost's Progressive Conservative party wins an election majority, and returns for a sixth term.

June 18—Queen Elizabeth and Prince Philip arrive in Newfoundland on the start of a six-week Canadian tour.

The Canadian Labor Congress suspends the 12 thousand member Seafarers' International Union because the Seafarers' raided another union.

June 18—Elections in Alberta give Premier E. C. Manning's Social Credit government a sweeping victory.

June 25—American and Canadian legislators meet in Montreal to discuss problems of mutual interest.

Ceylon

June 4—The National Planning Council approves a 10-year economic development plan; a mixed economy and the investment of some 13,601,000,000 rupees (about $2.8 billion) is envisaged. Parliament and the Government will now consider the plan.

June 9—Prime Minister S. W. R. D. Bandaranaike resigns, ending a 3-year coalition government, and re-forms a government of his Sri Lanka (Freedom) party members.

June 12—Communist China's Vice-Minister of Foreign Trade, Lei Jen-min, arrives in Colombo to sign a rice-rubber trade agreement with Ceylon.

June 30—A new session of Parliament opens.

Ghana

June 10—The U.S.S.R signs a trade agreement with Ghana, in Accra.

June 13—The Official Gazette publishes a bill authorizing the Attorney General to "direct any person to furnish information for the purpose of detecting the commis-

sion of offenses against the state or certain subversive activities."

June 20—The Official Gazette publishes a bill providing that anyone making a false statement about Ghana or the Government "by word of mouth or in writing or by any other means" is liable to up to 15 years in prison. Proceedings of the National Assembly, court actions or fair reports on Assembly affairs are excluded. Statements made outside Ghana are included.

June 23—An independent 3-man commission reports that some Opposition leaders are conspiring action of "revolutionary character" "at some future date."

June 25—The U.S. agrees to help Ghana finance a $300,000 aerial geophysical survey of the most important mineralized zone in Ghana.

June 29—Opposition United party leader Dr. Kofi A. Busia says in London that he may leave politics temporarily for academic posts in the Netherlands.

Great Britain

June 1—*The Times* (London) reports the possibility that Selwyn Lloyd may be replaced as Foreign Secretary.

June 2—President of the Board of Trade Sir David Eccles reveals that he expects the U.S.S.R. to place £600 million to £700 million in orders for capital equipment and other industrial goods in the next five years, in addition to its regular purchases.

Prime Minister Harold Macmillan tells the House of Commons he expects to work with Selwyn Lloyd "for a very long time."

June 20—85 provincial newspapers shut down because of a printers' wage dispute. Over a thousand magazines and weeklies have already suspended publication. London dailies are not affected.

Laborite Herbert Morrison reveals that he will not seek reelection to Commons. Morrison lost Labor party leadership to Hugh Gaitskell in December, 1955.

June 23—Macmillan tells Commons he hopes that a reconvened Geneva foreign ministers' conference will lead to summit talks. (For further information about the Berlin crisis, see *International, Berlin Crisis.*)

June 29—Chancellor of the Exchequer Derick Heathcoat Amory tells Commons that unemployment dropped in May to 413,000, a post-war record minimum for May.

June 30—The Ministry of Labor intervenes in the spreading printers' strike.

India

June 12—The Congress party, the Praja Socialist party and the Muslim League—the Opposition parties in Kerala—begin anti-Communist demonstrations aimed at ousting the Communists from office. Among other unpopular Government measures is one providing for the opening of privately operated state supported schools.

June 18—The U.S. Development Loan Fund announces plans to make a $20 million loan to India for heavy and light structural steel and other steel products.

June 22—Prime Minister Jawaharlal Nehru arrives in Trivandrum, Kerala, to study troubled conditions in the Communist-controlled state.

June 25—Communist Chief Minister E. M. S. Namboodiripad of Kerala announces that the Government will not insist that new teachers must be selected from a government list. Other provisions of this controversial school law may also be revised, he indicates.

June 28—The Communist party in Kerala refuses to accept Nehru's suggestion for new state elections.

June 29—1,158 demonstrators in a 1-day sympathy strike are arrested in Kerala.

June 30—India refuses to recognize Tibet's Dalai Lama as heading a "separate" Government of Tibet functioning in India.

Malaya

June 7—Former Premier Tengku Abdul Rahman's Malayan Alliance wins 147 of the 172 seats in seven states' Legislative Assemblies.

June 19—Prime Minister Dato Abdul Razak bin Hussein reveals that Britain is giving its military and air force installations to Malaya as a gift, a "most generous expression of goodwill of the British people toward the independent federation."

June 21—In Trengganu State, the Malayan Alliance loses power to the Pan-Malayan Islamic party, which won 13 of 24 seats.

June 24—In Kelantan State, the Pan-Malayan Islamic party wins 18 of 30 As-

sembly seats, defeating the Malayan Alliance.

June 30—Elections are scheduled for August 19 for the first independent Parliament; the British-created Federal Legislative Council has been dissolved.

Pakistan

June 12—The Government decides to move the capital from Karachi to a plateau outside Rawalpindi, an army headquarters town far removed from business pressure groups.

June 17—The U.S. anounces basic approval of a $23 million loan to the West Pakistan Water and Power Development Authority.

June 30—Finance Minister Mohammad Shoaib presents the national budget and explains: "it will take many years before we can be fully self-supporting"; Pakistan continues to rely on U.S. aid.

BRITISH EMPIRE, THE

Singapore

June 2—The British governor of Singapore proclaims the new constitution creating the self-governing state of Singapore, effective June 3. Eight extremists jailed in 1956 and 1957 under anti-subversive legislation are released at the insistence of the Leftist People's Action party, which will form a government under Prime Minister Lee Kuan Yew.

Uganda

June 1—It is revealed in Kampala that Britain has refused to join in constitutional talks exploring the possibility of ending the British protectorate of Buganda, one of the 4 provinces of Uganda.

CHINA (Nationalist)

June 2—The U.S. protests the expulsion of Nationalist China from the 1960 Winter Olympic Games.

June 4—The International Olympic Committee says that its action toward Nationalist China does not make Red China a member of the International Olympics.

June 17—Chinese Communists shell the Nationalist offshore islands.

June 22—W. Averell Harriman, former governor of New York, now visiting the Soviet Union, is refused an entry visa by Communist China.

CUBA

June 3—The Communists are decisively rebuffed in elections to the 3000 unions which make up the Confederation of Cuban Workers.

June 4—The new agrarian reform law goes into effect. Under this law, U.S. sugar companies will lose 1,666,000 acres of land within a year.

June 5—It is announced that the proposed tax on social news items in Cuban newspapers has been discarded.

June 7—Over 1000 small tobacco farmers meet to protest the agrarian reform law. The law provides for expropriation of plantation lands in excess of 1000 acres, and those under 1000 if they are tilled by tenant farmers or squatters.

June 12—Five Cabinet ministers are replaced in a disagreement over the new agrarian reform law.

June 15—Castro rejects the U.S. request for speedy and adequate compensation to U.S. sugar concerns, for expropriated lands. The Cuban premier says that payment can only be made in 20-year bonds with a maximum 4.5 per cent interest rate.

June 26—Cuba breaks off diplomatic relations with the Dominican Republic. (See also *Dominican Republic.*)

June 30—Air Force Chief Major Pedro L. Diaz resigns because of Communist influence in the military and the government.

CZECHOSLOVAKIA

June 19—The Central Committee of the Communist party orders a unified price system (with a general price increase) for agricultural commodities, with "more money for higher production," to replace the old system whereby farmers received one price for "compulsory deliveries" and another for goods in excess of production quotas.

DOMINICAN REPUBLIC

June 21—A government communiqué, declaring that an attempted rebel invasion, June 19, has been successfully repelled, is reported.

June 23—A military source reveals that an invasion force of 2 launches, escorted by Cuban ships, has been completely destroyed. Earlier reports of rebel activities

in the Dominican Republic had been denied.

ECUADOR

June 3—The army takes control after all-night rioting in Guayaquil. A state of martial law is called by President Camilio Ponce Enriquez.

June 4—Some 5,000 military troops in Guayaquil restore order after a second night of rioting. Twenty-three have been killed and 150, wounded.

ETHIOPIA

June 29—Emperor Haile Selassie arrives in Moscow to confer with Soviet leaders.

FRANCE

June 4—Premier Michel Debré tells the National Assembly that relations will be broken off with any country recognizing the Algerian rebel government and affirms that the only overture to rebels continues to be an invitation to France to discuss a cease-fire.

Defeating opposition to expanding the Assembly's rules of procedure, Center, Conservative, Gaullist and Algerian groups approve a set of rules to keep the Assembly's power within strict constitutional limits.

June 10—The French government eliminates 2 unpopular measures under its austerity programs; a 10 per cent increase in family allowances is granted and payments of certain medical expenses are restored.

June 15—A railway strike, scheduled for tomorrow, is called off under government pressure. The government promises to discuss wage increases at the end of the year.

June 18—Unofficially, France is reported to welcome U.S. President Eisenhower's suggestions for talks with French President Charles de Gaulle.

June 24—On a state visit to Italy, it is reported that President de Gaulle has outlined a proposal for a western Mediterranean pact composed of France, Italy, Spain and Morocco.

The first congress (in 3 years) of the French Communist party opens.

June 27—Pope John XXIII, during a state audience with President de Gaulle, praises the French leader, and his program for France's recovery.

June 29—Director of the United States Information Agency George V. Allen, speaking in Paris, says that the U.S. supports President de Gaulle's attempts to find a solution for Algeria.

FRENCH OVERSEAS COMMUNITY, THE

Algeria

June 11—The National Assembly in Paris votes in favor of two bills for currency and budgetary links with Algeria; one bill provides that the National Assembly approve the Algerian budget; the other makes Algerian money legal in France, and the French franc legal in Algeria.

June 12—Premier Ferhat Abbas declares that his Algerian rebel government is willing to meet with French officials on neutral ground to discuss the Algerian situation.

June 24—French and Algerian rebel forces fight for several hours outside of the seaport town of Bône. Thirty-one rebels and 6 Frenchmen are killed.

Chad

June 18—The pro-French Democratic African Rally party member, Francois Tombalbaye, is named premier.

Congo Republic

June 15—Incomplete returns from yesterday's elections give the Democratic Union for the Defense of African Interests headed by Premier Fulbert Youlou 49 of the 61 seats in the Assembly.

French West Africa

June 6—Seven states of French West Africa—Senegal, French Sudan, Ivory Coast, Mauritania, Niger, Volta and Dahomey—agree to form a customs union, establishing a free trade area.

Mauritania

June 24—The National Assembly re-elects Mauritanian Regroupment party leader Moktar Ould Daddah premier.

EAST GERMAN DEMOCRATIC REPUBLIC

(See *International, Berlin Crisis* and the *U.S.S.R.*)

GERMANY, FEDERAL REPUBLIC OF WEST

June 2—Minister of Economy Ludwig Erhard arrives in the U.S. on a visit.

June 5—In lengthy debates with the execu-

tive committee and the 270-man parliamentary delegation of his Christian Democratic Union, Konrad Adenauer advises them of his decision to remain as chancellor, because of increasing difficulties in the world situation. Adenauer's resignation as his party's presidential candidate is supported by the parliamentary group, but is not favorably received by the party executive.

June 7—Erhard, leading contender to succeed Adenauer, in a U.S. television broadcast says that he does not know why Adenauer decided to keep the chancellorship.

June 8—Politicians and newspapers in Germany continue their criticism of Adenauer's decision; a vote of no confidence to unseat Adenauer is talked of, but appears improbable.

June 9—Dr. Erhard declares that he will challenge Adenauer in an intra-party fight. Erhard asserts that he is not opposed to European economic integration.

June 10—Erhard and Adenauer repair their differences; the Christian Democratic party's parliamentary bloc issues a resolution apologizing to Erhard.

June 11—Adenauer addresses the parliament, defending his decision to remain as Chancellor.

June 12—Erhard tells the parliament that he had not expected the Adenauer reversal. The fight between Erhard and Adenauer was renewed because of the Chancellor's statement yesterday that on May 14 he told his Cabinet he was thinking of changing his mind.

June 15—The Christian Democratic Party nominates Minister of Agriculture Heinrich Luebke to succeed President Theodor Heuss.

June 17—Adenauer, in an interview, states that it is his intention to withdraw as Chancellor in 1962, following the September, 1961, elections.

June 19—The electoral college to select the president of the Federal Republic is scheduled to meet July 1 in West Berlin, despite Soviet opposition to this site.

The Adenauer-Erhard fight erupts again. Economics Minister Erhard protests Adenauer's statement that although Erhard is "talented," he lacks the necessary "political experience."

June 20—In an interview released to the public today, Adenauer tells a Bonn correspondent that he plans to have a voice in selecting his successor. Adenauer also asserts that he will not give up the party chairmanship or the Chancellorship at this time.

June 23—Dr. Erhard agrees to stay on in Adenauer's Cabinet. Adenauer says that Erhard's resignation is "unthinkable."

June 30—Controversy over whether West Berlin's 43 electoral college votes should be counted in the election for West German president arises.

GREECE

June 4—Greece dismisses a Soviet note suggesting that no missile bases be established on Greek soil.

June 11—President Eisenhower tells the U.S. Congress that atomic weapons will be sent to Greece, and that Greek troops will be trained in their use as provided for in the Nato pact.

HONDURAS

June 27—Honduran troops break up a rebel band planning to invade Nicaragua from the Honduran side of their common border.

HUNGARY

June 22—Bela Kovacs, formerly leader of the Hungarian Smallholders party and a member of the revolutionary government of Premier Imre Nagy in 1956, dies of a serious illness.

ICELAND

June 29—In elections yesterday for the Parliament (*Althing*), the Independence party takes 20 seats, the Progressive party, 19, the Social Democratic party, 6, and the Communist party, 7 (down 1).

INDONESIA

June 1—The Assembly rejects for the second time President Sukarno's attempt to restore the "near-dictatorial" powers of the 1945 Constitution.

The U.S. will sell $40 million in farm products to Indonesia under its surplus disposal program.

June 2—In a third and final vote, the Constituent Assembly rejects Sukarno's efforts to restore dictatorial powers. Lieutenant General Abdul Haris Nasution, Army

Chief of Staff, prohibits all political activity in Indonesia following the Assembly's refusal.

June 11—A 5-man committee to decide compensation for nationalized Dutch industries is sworn in.

June 29—Sukarno arrives in Jakarta after a 68-day world tour.

IRAN

June 3—Shah Mohammed Pahlevi arrives home after 32 days abroad on state visits to Britain, Denmark, and the Netherlands.

June 11—Three Iranian ministers resign.

June 13—A Cabinet shake-up brings into office Djalal Abdoh as the new foreign minister.

IRAQ

June 1—The U.S. Embassy announces that Iraq has terminated military assistance agreements with the U.S.

June 22—The Baghdad radio announces that (effective tomorrow) the Iraqi dinar will leave the sterling area.

June 25—The President of the People's Court, Colonel Fadhei A. Mahdawi, announces that Iraq has been completely armed with modern nuclear arms.

June 26—It is reported that Premier Abdul Karim Kassim has restricted activities of the pro-Communist civilian militia, the Popular Resistance Forces.

IRELAND

June 17—Elections for president and for a constitutional amendment to abolish the proportional representation system are held.

June 19—Prime Minister Eamon de Valera on the Fianna Fail ticket wins the presidency from his opponent, General Sean MacEoin. The proportional representation abolition measure is not approved. De Valera, elected for a 7-year term, succeeds President Sean T. O'Kelly.

June 23—The Irish Parliament (Dail Eireann) elects Sean Lemass the new prime minister. Lemass names his Cabinet.

ISRAEL (*See also U.A.R.*)

June 2—The captain of a Danish ship, carrying a cargo of Israeli cement through the Suez, refuses to unload the cargo as ordered by a U.A.R. war prize court.

June 5—An Israeli Foreign Ministry spokesman says that the U.N. Security Council has already established Israel's right to send goods through the Canal.

June 9—Israel returns a Lebanese plane forced down last month.

June 26—Following disclosure yesterday of an arms deal whereby Israel has agreed to sell over $3 million in "grenade launchers" to West Germany, Premier David Ben-Gurion is criticized.

June 28—Ben-Gurion tells his party that he will resign if Left-wing criticism over the arms sales to West Germany continues.

June 30—Two Left-wing parties included in Ben-Gurion's coalition government vote against the sale of Israeli military supplies to West Germany, in a parliamentary committee meeting. The Knesset will continue its debate on this matter tomorrow.

ITALY

June 1—The results of yesterday's local elections are disclosed: they indicate a "slight but significant" victory for the Communists.

June 23—French President Charles de Gaulle begins a 5-day visit (see also *France.*)

Somalia

June 27—A 10-member Cabinet for this trusteeship, under Premier Seyyid Abdullah Issa, is approved by the Italian government.

JAPAN

June 2—Elections for 127 seats in the upper house of the Parliament are held.

June 4—Premier Nobusuke Kishi's Liberal Democratic party takes 71 of the seats contested.

June 12—Continuing the fight over Japanese repatriation of Korean nationals who wish to return to Communist North Korea, Japanese shipping companies halt service to South Korea.

June 17—It is reported that the General Council of Trade Unions (Sohyo) will cooperate with the Communist party in its fight to attain higher living standards.

June 18—A new 17-man Cabinet is named today by Premier Kishi. Only Finance Minister Eisaku Sato and Foreign Minister Aiichiro Fujiyama keep their posts.

June 24—After two and a half months of negotiation, the Japanese and North Ko-

rean Red Cross groups agree on repatriation of North Korean nationals. The agreement will not be made public until the International Red Cross approves it.

South Korea issues an appeal to the American Red Cross to help prevent repatriation of nationals to Communist North Korea.

JORDAN

June 6—Jordanian King Hussein calls a 2 hour emergency government meeting and informs the U.N. of Syria's closure of their common border.

KOREA, SOUTH (*See also Japan*)

June 20—The U.N. Command accuses the North Koreans of setting up military installations in the demilitarized strip dividing North and South Korea.

LAOS

June 4—British Foreign Secretary Selwyn Lloyd and Soviet Foreign Minister Andrei A. Gromyko during the Geneva talks discuss the Laotian government's attempts to break up an 800-rebel band of the Communist-led Pathet Lao.

June 8—Britain reveals that a note has been sent telling the Soviet Union that the International Control Commission (co-chaired by Russians and Britons) which worked out the Indochina armistice has "completed" its job.

LEBANON

June 13—A special session of the Chamber of Deputies meets to review last minute decrees passed by the Cabinet. The Chamber's delegation to the Cabinet to legislate on internal security, on overhauling the administrative system, and on the budget expires tonight.

MOROCCO

June 24—A law providing for censorship of all "non-state radio broadcasts" is scheduled to go into effect tomorrow.

It is anounced that the U.S. will give Morocco $40 million in aid in 1959.

NICARAGUA

June 1—A general strike is called in the capital city of Managua.

Leader of the Nicaraguan exile force in Costa Rica, Enrique Lacayo Farfan states that a rebellion has broken out in Nicaragua.

June 4—The Organization of American States (O.A.S.) Council agrees to set up a commission to decide whether the Nicaraguan rebellion constitutes a "real threat to the peace." If not, the O.A.S. will not intervene.

June 7—It is revealed that an unsuccessful attack on the life of President Luis A. Somoza was attempted last night.

June 8—Order is restored to Managua. The general strike ends, as does the wave of terrorism that swept the city.

June 13—General Anastasio Somoza declares that Cuban Premier Fidel Castro is behind the recent invasion.

June 14—The rebellion dies; 61 rebel prisoners are paraded through Managua.

PARAGUAY

June 1—President Alfredo Stroessner arrests over 100 members of his Colorado party.

June 2—Leader of the illegal Communist party Oscar Credit is reported to have slipped into the country. Student and police clashes continue.

PHILIPPINES, THE

June 29—The U.S. and the Philippines sign an agreement for a loan of nearly $19 million for a public works program.

POLAND

June 10—The U.S. signs an agreement to sell Poland $44 million worth of farm surplus and to allow it $6 million worth of credit.

SPAIN

June 4—The U.S. announces an agreement to lend Spain over $22 million for land development and railway projects.

June 18—A Communist-led "peaceful" strike against the Franco regime fails.

June 24—A memorandum drawn up by Spanish officials and economists from the International Monetary Fund, the O.E.E.C. and the European Monetary Agreement is released, providing for economic stabilization, a devalued peso, and increased foreign trade.

SUDAN, THE

June 1—Two Ministers in the ruling military junta, the Supreme Council, are arrested, as accomplices to a conspiracy.

TIBET

June 20—From his exile in India, the Dalai Lama accuses the Chinese Communists of

brutally treating his people, and of moving toward the "extinction of the Tibetan race." (See also *British Commonwealth, India.*)

June 21—Confirmation of Tibetan elder statesman Tsaron Sawang's death is given by the Communist Chinese.

TUNISIA

June 1—Tunisia's new Constitution, modeled on that of the U.S., is signed.

June 13—The Government reports that 1,200 Algerian refugees have just fled to Tunisia.

June 18—President Habib Bourguiba declares that French troops must be withdrawn soon from the Bizerte naval base.

U.S.S.R., THE (See also *International, Berlin Crisis*)

June 6—Back in Moscow, Khrushchev states that unless the Western powers agree to a nuclear free zone in the Balkans, Soviet rocket bases will be set up in Albania, Bulgaria and Rumania.

June 8—Top-ranking leaders of the Communist party and the East German government—headed by Party Secretary Walter Ulbricht and Premier Otto Grotewohl—are greeted by Khrushchev on their arrival in Moscow.

June 30—A resolution of the Central Committee orders modernization and increasing automation in Russian industries.

UNITED ARAB REPUBLIC, THE

June 7—An Egyptian Air Force statement charges 2 Israeli planes with violating U.A.R. airspace. The Israeli planes engaged in combat with Egyptian planes.

June 8—The Mixed Armistice Commission opens an inquiry into the Israeli-Egyptian air clash.

June 24—Emperor Haile Selassie of Ethiopia arrives in Cairo on an official visit.

June 25—The Egyptian War Prize Commission decides in favor of Egyptian seizure of a cargo (owned by Ceylon) aboard a Liberian ship headed for Israel. The Court declares the cargo is "stolen property" because a state of war with Israel still exists.

June 26—It is reported from Cairo that a clothing cooperative plan has gone into operation this month as part of a campaign to replace the traditional Egyptian robes with Western trousers and other clothing.

UNITED STATES

Agriculture

June 2—The Department of Agriculture reveals plans to buy frozen whole eggs in an effort to help keep egg prices from falling further.

June 12—Secretary of Agriculture Ezra Taft Benson writes the House Agricultural Committee, refusing to buy laying hens and eggs from breeding flocks; but he says that the Farmers Home Administration will not foreclose on loans to poultrymen "as long as there is a reasonable prospect of their eventually overcoming their present financial difficulties."

June 25—The President vetoes a wheat bill and a tobacco bill that would control prices and production.

The wheat bill, which passed in the House with a vote of 188 to 147 and in the Senate with a vote of 48 to 44, would have raised wheat price supports from 75 to 90 per cent of parity for the 1960 and 1961 crops. A 25 per cent cut in wheat acreage allotments was also provided.

The Economy

June 1—The Federal Reserve Board reports the steepest rise in consumer installment credit since 1955; on a seasonally adjusted basis, credit outstanding rose $423 million.

June 8—The President asks Congress to raise the national debt limit to $295 billion and abolish interest ceilings on savings and Treasury bonds.

June 10—The Departments of Labor and Commerce report that employment reached a record high of 66,016,000 in May.

June 19—The Labor Department's Bureau of Labor Statistics reveals that the Consumers' Price Index reached a record high in May.

Foreign Policy

June 9—A three-judge panel of a U. S. Court of Appeals in Washington, D. C. rules that the State Department may ban American travel in Communist China because area travel restrictions are matters of foreign policy not subject to judicial control.

June 11—The President signs an act au-

thorizing Congress to hold regular joint talks with Canada's Parliament.

June 16—The Department of Defense reveals that a U. S. Navy Patrol plane was attacked over the Sea of Japan by two MIG jet fighters and that the tail gunner was seriously wounded. The U. S. plane returned to Japan.

President Eisenhower tells his news conference that he would like to discuss the American-French disagreement over defense and strategy with French President Charles de Gaulle.

June 22—Secretary of State Christian A. Herter reports to the President on the stalemated Geneva talks of foreign ministers. (See also *International Berlin Crisis.*)

June 23—Herter says that the U.S.S.R. aims to make West Berlin a "slave city" and to add the West Berliners to the "captive peoples," in a radio address to the nation after his return from Geneva.

June 24—President Eisenhower asks Congress to set up a permanent authorization for military aid abroad to avoid the need for annual authorizations.

June 26—Canada and the U. S. dedicate the St. Lawrence Seaway; President Eisenhower and Queen Elizabeth speak at the ceremonies.

June 27—Queen Elizabeth and Vice-President Richard Nixon dedicate the St. Lawrence hydroelectric power project.

June 28—The Russian First Deputy Premier, Frol R. Kozlov, arrives in New York to open the Soviet exposition at the Coliseum after a record nonstop flight.

June 29—President Eisenhower flies to New York to attend the Soviet exposition; Kozlov opens the fair.

Atomic Energy Commission chairman John A. McCone and 4 congressmen arrive in Geneva to attend sessions of the conference on nuclear test bans.

Government

June 2—The President refuses to withdraw the nomination of Lewis L. Strauss as Secretary of Commerce despite bitter Senate opposition.

June 12—C. Douglas Dillon is sworn in as Under Secretary of State, second ranking officer of the State Department.

June 19—After almost seven months of discussion, the Senate rejects the nomination of Lewis L. Strauss as Secretary of Commerce, voting 49 to 46. This is the Senate's eighth rejection of a Cabinet appointment in American history.

June 23—A compromise omnibus housing bill is passed by the House and sent to the President. The bill would authorize $1,375,400,000 for slum clearance, college housing, housing for the elderly and other programs.

June 25—The President signs a bill giving Alaska grants of $28.5 million over a five year period, and containing other provisions to put Alaska on an equal footing with the other states.

June 27—In a statehood plebiscite, Hawaiians vote 132,938 for statehood and 7,854 opposed; the vote is strongly Democratic. After election returns are submitted to President Eisenhower, he will consult Hawaiian officials and proclaim Admission Day, probably in October.

June 29—The President signs an airport aid bill closely following his own suggestions.

June 30—A $4.686 billion farm bill is passed by Congress; in a compromise, price support benefits for any one crop paid to a farmer are limited to $50,000.

Lewis L. Strauss formally resigns as Secretary of Commerce.

The Government's fiscal year ends with a record peacetime deficit of some $12.5 billion.

President Eisenhower signs a bill raising the nation's temporary debt ceiling to $295 billion.

President Eisenhower signs a bill extending corporation income and excise taxes (on cigarettes, liquor, beer, wine and automobiles) another year.

Labor

June 10—In Washington, a 3-judge circuit court of appeals supports a court order directing the International Brotherhood of Teamsters to clean house.

June 22—The hospital strike in New York City ends after 46 days.

June 28—Responding to a direct personal request from President Eisenhower to United Steelworkers President David J. McDonald, the Steelworkers and industry representatives agree to postpone the steel strike for at least two weeks.

June 28—It is revealed the Godfrey P. Schmidt has resigned as a monitor of the

International Brotherhood of Teamsters because of union threats.

Military Policy

June 2—William B. Franke of New York is confirmed as Secretary of the Navy.

The space monkey Able, survivor of a space trip, dies while undergoing minor surgery.

June 3—The Air Force attempts to place a satellite carrying four black mice into orbit; it is planned to bring the mice back to earth alive. The Air Force reports that Discoverer III is believed to have burned up while reentering the atmosphere after an engine failed.

June 9—The George Washington—first ballistic missile submarine—is launched at Groton, Connecticut.

June 12—Secretary of Defense Neil H. McElroy explains to the Senate Armed Services Committee the revised Administration plan reducing expenditure for missile defense.

June 25—General Maxwell D. Taylor tells the National Press Club he resigned as Chief of Staff because he was unable to modernize the Army.

June 27—McElroy reports that the U. S. and the U.S.S.R. are both behind schedule in work on an intercontinental ballistic missile.

June 30—The promotion of Negro Brigadier General Benjamin O. Davis of the Air Force to the temporary rank of major general is confirmed by the Senate.

Politics

June 13—Adlai Stevenson tells reporters that he will not be the Democratic nominee for the presidency for a third time in 1960.

June 16—The Federal Communications Commission refuses to change its decision applying its "equal time" provision for political rivals to news programs.

June 26—Governor Earl K. Long of Louisiana is released from a mental hospital; he discharges the hospital superintendent and appoints a friend to succeed him who declares the governor sane and free.

Segregation

June 5—U.S. District Judge Frank A. Hooper enjoins Atlanta school officials from racial discrimination, after declaring Atlanta's segregated schools illegal.

June 22—Four white men convicted of raping a Negro college girl in Florida are sentenced to life imprisonment.

June 18—A 3-judge federal court says that Arkansas' school closing law is unconstitutional.

June 26—The county board of supervisors in Prince Edward County, Virginia, votes to close its 21 public schools.

Supreme Court

June 8—The Court rules 9 to 0 that the Federal Trade Commission can act against what it terms discriminatory business practices without first finding damage to competition; businessmen may not justify discrimination among customers in offering services because of differing costs.

The Court votes 5 to 4 that Congress and state legislatures may investigate communism in the field of education, in the Barenblatt case. (For the text of this decision, see pages 105 ff. of this issue.)

June 15—The Court rules unanimously that the National Labor Relations Board may refer to events that occur after a charge is filed when considering an unfair labor practice.

The Court refuses to review a U.S. Court of Appeals decision that the Government is entitled to flood Seneca Indian land.

June 22—The Supreme Court holds 5 to 4 that the Congressional statute of 1957 limiting the kind of pre-trial statements that must be produced for defendants is constitutional.

The Court agrees to review the case involving the land of the Tuscarora Indians which the state of New York wants condemned for a power project.

June 29—The Court rules 8 to 1 that neither the President nor Congress has authorized a security program for defense plant workers denying suspects the right to confront and cross-examine their accusers.

Ruling 5 to 4, the Court maintains that Government officials are immune from libel action on account of public statements about their official policies.

The Court agrees to review next fall a decision of a federal judge wherein the judge held parts of the Civil Rights Act of 1957 unconstitutional.

The Court agrees to a new hearing next fall on the constitutionality of the membership clause of the anti-Communist Smith Act.

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